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City and County of San Francisco  
**NOTICE OF PUBLIC HEARING**  
**Board of Supervisors**

CITY HALL  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

General Notice

Transmitted: 06-27-2003

A public hearing will be held on 7/8/2003, at 3:00 PM at Legislative Chamber, Rm 250, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

The Board of Supervisors will hold a public hearing relative to the listed subjects. All interested parties are cordially invited to attend. Persons who are unable to attend the hearing may submit written comments regarding this matter prior to the beginning of the hearing. These comments will become part of the official public record.

Mail comments for the Listed Files to: Board of Supervisors, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102

030961 [ Public Hearing - Appeal, Categorical Exemption, 948-950 Lombard Street ]

Hearing of persons interested in or objecting to the decision of the Planning Department dated May 7, 2003, approving a categorical exemption from the California Environmental Quality Act ("CEQA"), as provided in the CEQA Guidelines, 14 California Code of Regulations Sections 15301, 15303, and 15331.

Gloria L. Young, Clerk of the Board

**NOTE:**

Pursuant to Government Code Section 65009, notice is hereby given: if you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.

DOCUMENTS DEPT.

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# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO AGENDA



DOCUMENTS DEPT.

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07-07-03 11:59 AM

Legislative Chamber - Second Floor  
City Hall, 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

Tuesday, July 8, 2003 2:00 PM

## Regular Meeting

MATT GONZALEZ, PRESIDENT  
TOM AMMIANO, CHRIS DALY, BEVAN DUFTY, TONY HALL,  
FIONA MA, SOPHIE MAXWELL, JAKE MCGOLDRICK,  
GAVIN NEWSOM, AARON PESKIN, GERARDO SANDOVAL

Gloria L. Young, Clerk of the Board

Agendas of the Board of Supervisors are available on the internet at [www.ci.sf.ca.us/bdsupvrs](http://www.ci.sf.ca.us/bdsupvrs)

## BOARD COMMITTEES

### Committee Membership

**Budget Committee**  
Supervisors Daly, Peskin, Maxwell, Ma, Gonzalez

**City and School District Select Committee**  
Supervisors Maxwell, Ammiano, Ma, Commissioners Cruz, Sanchez, Kelly

**City Services Committee**  
Supervisors Dufty, Ma, Newsom

**Finance and Audits Committee**  
Supervisors Peskin, Sandoval, McGoldrick

**Land Use Committee**  
Supervisors McGoldrick, Maxwell, Ammiano

**Rules Committee**  
Supervisors Hall, Dufty, Gonzalez

### Meeting Days

Thursday  
1:00 PM

2nd Monday, bi-monthly

Thursday  
9:30 AM

Wednesday  
12:30 PM

Monday  
1:00 p.m.

Wednesday  
9:30 AM



## Board Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying, 2) ringing and use of cell phones, pagers and similar sound producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4) standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

Agenda are available on the internet at [www.sfgov.org/bdsuprvs.bos.htm](http://www.sfgov.org/bdsuprvs.bos.htm).

THE AGENDA PACKET IS AVAILABLE AT CITY HALL, ROOM 244, RECEPTION DESK.

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 557-4293.

Results of each Board meeting can be obtained about a half hour after the end of the meeting by telephoning (415) 554-5555.

Requests for language translation at a meeting must be received no later than noon the Friday before the meeting. Contact Ohn Myint at (415) 554-7704.

AVISO EN ESPAÑOL La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

翻譯 必須在會議前最少四十八小時提出要求  
請電 (415) 554-7701

## Disability Access

The Legislative Chamber of the Board of Supervisors is in Room 250 of City Hall, 1 Dr. Carlton B. Goodlett Place. The Chamber is wheelchair accessible.

The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex.

All meetings are real-time captioned and are cablecast open-captioned on SF Cable 26.

The following services are available when requests are made by 4:00 p.m. of the Friday before the Board meeting. This advance notice will help ensure availability.

- For American Sign Language interpreters or use of a reader during a meeting, contact Ohn Myint at (415) 554-7704.

- For a large print copy of agenda or minutes in alternative formats, contact Annette Lonich at (415) 554-7706.

Assistive listening devices are available from the receptionist in the Clerk of the Board's Office, Room 244, prior to the meeting.

The Clerk of the Board's Office TTY number is (415) 554-5227.

In order to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

### **Know Your Rights Under the Sunshine Ordinance**

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Donna Hall by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at [Donna.Hall@sfgov.org](mailto:Donna.Hall@sfgov.org)

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Ms. Hall or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine.htm>

### **Lobbyist Registration and Reporting Requirements**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site [www.sfgov.org/ethics](http://www.sfgov.org/ethics)

## ROLL CALL AND PLEDGE OF ALLEGIANCE

## APPROVAL OF MEETING MINUTES

*Motion to approve the May 20, 2003, May 28, 2003 and June 3, 2003 Meeting Minutes.*

## AGENDA CHANGES

## COMMUNICATIONS

*Note: Each item on the Consent or Regular agenda may include the following documents:*

- 1) Legislation*
- 2) Budget Analyst report*
- 3) Legislative Analyst report*
- 4) Department or Agency cover letter and/or report*
- 5) Public correspondence*

*These items will be available for review at City Hall, Room 244, Reception Desk.*

## CONSENT AGENDA

*All matters listed hereunder constitute a Consent Agenda, are considered to be routine by the Board of Supervisors and will be acted upon by a single roll call vote of the Board. There will be no separate discussion of these items unless a member of the Board so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.*

### Items 1 through 8

### Recommendations of the Rules Committee

*Present: Supervisors Hall, Dufry*

1. 030258 [Appointment]  
Resolution appointing Betty Packard, term ending November 30, 2004 to the Ballot Simplification Committee.  
Betty Packard, succeeding herself, term expired, seat 2, must represent the National Academy of Television Arts and Sciences. Northern California Chapter or the Northern California Broadcasters Association for a two year term ending November 30, 2004.

Question: Shall this Resolution be ADOPTED?

2.        **031131**    **[Appointment]**  
Resolution appointing James Hutchinson, term ending December 22, 2003 to the Lead Hazard Reduction Citizens Advisory Committee. Residency requirement waived.  
James Hutchinson (residency requirement waived), succeeding Marvin Ruiz, resigned, seat 2, must represent the Bureau of Building Inspection, DPW, or designee for the unexpired portion of a 4 year term ending December 22, 2003.

Question: Shall this Resolution be ADOPTED?

### **Recommendations of the City Services Committee**

*Present: Supervisors Dufty, Newsom*

3.        **031016**    **[Study of HIV prevention in beerhalls in Harare, Zimbabwe]**  
**Supervisor Dufty**  
Resolution authorizing the San Francisco Department of Public Health, AIDS Office (SFDPH, AIDS) to enter retroactively into the second year of an agreement with The Regents of the University of California San Francisco (UCSF), the primary contractor, and to accept and expend funds in the amount of \$39,774 to participate in a randomized trial of HIV prevention in beerhalls in Harare, Zimbabwe, for the period of May 1, 2003, to April 30, 2004.  
(Public Health Department)  
(No Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

4.        **031082**    **[Accept-Expend State Grant]**  
**Supervisor Dufty**  
Resolution authorizing the San Francisco Police Department to retroactively accept and expend a grant in the amount of \$167,908 from the California Office of Traffic Safety (OTS) for an Occupant Protection Program.  
(Police Department)  
(No Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

## Recommendations of the Land Use Committee

*Present Supervisors McGoldrick, Maxwell, Annunzio*

5. 030952 [STOP Intersections] -  
Resolution designating certain intersections as "STOP" intersections.

### STOP SIGNS - ESTABLISH

Alemany Boulevard at Justin Drive, stopping Justin Drive at Alemany Boulevard, north intersection, making this T-intersection an all-way STOP; 15th and De Haro Streets, stopping De Haro Street, making this intersection an all-way STOP; and Eucalyptus Avenue, Junipero Serra Frontage Road and Ocean Avenue, stopping Junipero Serra Frontage Road at Ocean Avenue; and stopping Eucalyptus Avenue at Ocean Avenue, making this five-legged intersection a three-way STOP.  
(Parking and Traffic Department)

(5/28/03: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2637; No Public Benefit Recipient.)

**Question: Shall this Resolution be ADOPTED?**

6. 030953 [Traffic Regulations, Various Streets]  
Resolution enacting and rescinding traffic regulations on various streets.

### DIAMOND (TRANSIT ONLY) LANE, AT ALL TIMES - ESTABLISH

4th Street, right lane, between Minna and Mission Streets; and  
4th Street, second lane from right curb lane, between Howard and Minna Streets.

### DIAMOND (TRANSIT ONLY) LANE, FROM 3 PM TO 7 PM, MONDAY THROUGH FRIDAY - ESTABLISH

4th Street, right curb lane, between Clementina and Howard Streets.

### STREET CLOSURE, EVERYDAY, FROM 10 AM TO 10 PM - EXTENSION OF HOURS

Claude Lane, between Bush and Sutter Streets. (This street is already closed everyday, from 10:00 AM to 3:00 PM and then again from 5:30 PM to 10:00 PM. This would simply extend the closure times to be continuous from 10:00 AM to 10:00 PM).

### NO TURN ON RED - ESTABLISH

Drumm Street, southbound, at Market Street.  
(Parking and Traffic Department)

(5/28/03: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2637; No Public Benefit Recipient.)

**Question: Shall this Resolution be ADOPTED?**



**7. 030954 [Parking Regulations, Various Locations]**

Resolution enacting and rescinding parking regulations at various locations.

**RESIDENTIAL PERMIT PARKING AREA "S" (2-HOUR TIME LIMIT, 8 AM - 9 PM, MONDAY THROUGH FRIDAY) - ESTABLISH**

Webster Street, west side, between Haight and Page Streets (200 block); and  
Guerrero Street, east side, between 18th and 19th Streets (600 block).

**RESIDENTIAL PERMIT PARKING AREA "W" (1-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH**

25th Street, both sides, between Alabama and Florida Streets (3000 block).

**RESIDENTIAL PERMIT PARKING AREA "X" (2-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH**

20th Street, south side, between Missouri and Texas Streets (1400 block).

**RESIDENTIAL PERMIT PARKING AREA "Z" (2-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH**

Sanchez Street, both sides, between 27th and Cesar Chavez Streets (1300 block).

**RESIDENTIAL PERMIT PARKING AREA "G" (2-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH**

Broderick Street, east side, between Post and Sutter Streets (1500 block, even numbers only);  
Note: No signs will be posted on this block.

Broderick Street, east side, between Garden and Post Streets (1400 block);

Broderick Street, west side, between Geary Boulevard and Post Street (1400 block); and  
2300 block of Post Street, both sides, between Broderick and Divisadero Streets (includes odd  
addresses 2325 to 2399 and even addresses 2352 to 2398 only);

**TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH**

26th Street, north side, from 40 feet to 245 feet west of Wisconsin Street.

**RESIDENTIAL PERMIT PARKING AREA "I" (1-HOUR TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH**

Treat Avenue, both sides, between 24th and 25th Streets (1100 block).

**TOW-AWAY, NO STOPPING, 3 PM - 7 PM, MONDAY THROUGH FRIDAY - ESTABLISH**

4th Street, west side, between Clementina and Howard Streets.

**TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH**

Ocean Avenue, south side, from Harold Avenue to 95 feet westerly.

**UNMETERED MOTORCYCLE PARKING - ESTABLISH**

210-212 Noe Street, west side, 47 feet south of 15th Street (two spaces).

**TOW-AWAY, NO PARKING, 6 PM TO 6 AM EVERY NIGHT, EXCEPT MUNI BUSES - ESTABLISH**

Treat Avenue, west side, from 15th Street to 80 feet southerly; and

Treat Avenue, east side, from 15th Street to Harrison Street.

**TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH**

Geary Boulevard, south side, between Funston Avenue and Park Presidio Boulevard.

**NO PARKING ANYTIME - RESCIND**

**TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH**

Geary Boulevard, north side, between Funston Avenue and Park Presidio Boulevard.

**RESIDENTIAL PERMIT PARKING AREA "N" (2-HOUR TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH**

Clement Street, both sides, between 14th and Funston Avenue.

Anza Street- north side, between 14th and Funston Avenues; and  
Anza Street- south side, between 14th Avenue and Park Presidio Boulevard.

**TOW-AWAY, NO PARKING ANYTIME- ESTABLISH**

17th Street, south side, from Valencia Street to 86 feet westerly; and  
Valencia Street, west side, from 73 feet to 196 feet south of 17th Street.

**RESIDENTIAL PERMIT PARKING AREA "B" - RESCIND**

**RESIDENTIAL PERMIT PARKING AREA "CC" (2-HOUR TIME LIMIT, 9 AM - 5 PM, MONDAY THROUGH FRIDAY)- ESTABLISH**

Belle Avenue, both sides, between Junipero Serra Boulevard and St. Charles Avenue;  
Chester Avenue, both sides, between Belle Avenue and Payson Street;  
Palmetto Avenue, both sides, between Junipero Serra and Alemany Boulevards;  
Payson Street, both sides, between Chester and St. Charles Avenues;  
St. Charles Avenue, both sides, between Payson Street and south terminus;  
Kempton Avenue, both sides, between Alemany Boulevard and Brotherhood Way;  
Alemany Boulevard, north side, between St. Charles Avenue and Arch Street;  
Alemany Boulevard, south side, between Worcester Avenue and Ramsell Street;  
Alemany Boulevard, south side, between Junipero Serra Boulevard and St. Charles Avenue;

Ramsell Street, both sides, between Alemany Boulevard and Palmetto Avenue;  
Palmetto Avenue, north side, between Ramsell and Victoria Streets;

Niantic Avenue, west side, between Panama Street and St. Charles Avenue; and  
Panama Street, both sides, between Niantic Avenue and the western terminus.  
(Note: No signs will be installed on Panama Street)

**RESIDENTIAL PERMIT PARKING AREA "B" (2-HOUR TIME LIMIT, 9 AM- 5 PM, MONDAY THROUGH FRIDAY) - ESTABLISH**

Alemany Boulevard, north side, between Arch Street and Brotherhood Way;  
Alemany Boulevard, south side, between St. Charles and Worcester Avenues; and  
Arch Street, both sides, between Alemany Boulevard and Brotherhood Way.

**RESIDENTIAL PERMIT PARKING AREAS "B" AND "CC" (2-HOUR TIME LIMIT, 9 AM TO 5 PM, MONDAY THROUGH FRIDAY) - ESTABLISH**

Palmetto Avenue, south side, between Head and Ramsell Streets.

**RESIDENTIAL PERMIT PARKING AREA "CC" (2-HOUR TIME LIMIT, 9 AM - 5 PM, MONDAY THROUGH FRIDAY)- ESTABLISH**

Alemany Boulevard, south side, between Head and Ramsell Streets;  
Palmetto Avenue, north side, between Victoria and Head Streets; and  
Victoria Street, both sides, between Alemany Boulevard and Palmetto Avenue.  
(Parking and Traffic Department)

(5/28/03: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2637; No Public Benefit Recipient.)

**Question: Shall this Resolution be ADOPTED?**

**8. 031054 [Accept and Expend State Grant]**

**Mayor**

Resolution authorizing the Executive Director of the Department of Parking and Traffic and the Director of the Department of Public Works to accept and expend state Transportation Development Act (TDA) Article 3 funds totaling \$704,000 for FY 2003-04 for various pedestrian and bicycle projects in the City and County of San Francisco.

(Mayor)

(No fiscal impact; No Public Benefit Recipient.)

**Question: Shall this Resolution be ADOPTED?**

Questions on the Consent Agenda are on final passage, first reading, or adoption, as indicated: \_\_\_\_\_

## REGULAR AGENDA

## UNFINISHED BUSINESS

### From the Clerk

9. 031129 [Adopting findings - Appeal of the CEQA determination by the Planning Department for the Wharf J-10 project]  
Motion adopting findings related to the appeal of the determination by the Planning Department that the Wharf J-10 project was statutorily exempt from the California Environmental Quality Act as specific actions necessary to prevent or mitigate an emergency.  
(Clerk of the Board)  
(Companion measure to Files 030838, 030839, 030840, 030906, 030907, 030908, 031045.)  
  
w/26/2003, REFERRED to Board of Supervisors.  
**Question: Shall this Motion be ADOPTED?**
10. 031173 [Adopting findings related to the conditional use appeal on property located at 1017 Ocean Avenue]  
Motion adopting findings related to the appeal of the approval of the Planning Commission of Conditional Use Application No. 2002.1231C (which authorized, subject to conditions, the installation of three panel antennas on a stair penthouse located at an existing three-story multi-use structure (commercial/residential) as part of the wireless telecommunications network operated by Verizon Wireless) within an NC-2 (Small-Scale Neighborhood Commercial) Zoning District and a 40-X Height and Bulk District, pursuant to Section 711.83 of the Planning Code, on property located at 1017 Ocean Avenue, south side between Lee and Harold Avenues (Lot 041 in Assessor's Block 6945).  
(Clerk of the Board)  
(Companion measure to Files 030704, 030705, 030706, 030707.)  
  
**Question: Shall this Motion be ADOPTED?**

### **Recommendation of the Budget Committee**

*Present: Supervisors Daly, Peskin, Maxwell, Ma, Gonzalez*

11.      030803    **[Appropriation - \$6,000,000 for the Public Education Programs]**  
**Supervisors Daly, Ma**  
Ordinance appropriating \$2,000,000 of Delinquent Payroll Tax Revenue and \$4,000,000 from the State Revenue Stabilization Reserve for a total of \$6,000,000 for public education programs for fiscal year 2002-03.  
(Fiscal impact; Supervisors Peskin and Maxwell dissenting in committee.)

5/20/2003, CONTINUED. Continued to July 8, 2003

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

### **Recommendations of the Finance and Audits Committee**

*Present: Supervisors Peskin, Sandoval*

12.      030582    **[Sale of City Real Property]**  
**Supervisors Peskin, Gonzalez, Ma**  
Ordinance amending Section 23.3 of the Administrative Code to provide that the sale of City real property shall be at a sales price of at least 100 percent of the Director of Property's appraised value of the real property, rather than the current 90 percent requirement, except for sales resulting from public auctions or competitive bidding.

6/24/2003, PASSED ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

13.      030870    **[Repealing Airport Commission authority to approve counsel assigned to the Airport]**  
**Supervisors Daly, Gonzalez**  
Ordinance repealing Administrative Code Section 2A.172 to eliminate the Airport Commission's authority to approve counsel assigned to the Airport by the City Attorney.

6/24/2003, PASSED ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

### **Recommendations of the Rules Committee**

*Present: Supervisors Hall, Duffy, Gonzalez*

14.      030741    **[Charter Amendment - Commission on the Environment]**  
**Supervisors Maxwell, Gonzalez**  
Charter Amendment (First Draft) to amend Section 4.118 to clarify the jurisdiction of the San Francisco Commission on the Environment.

6/24/2003, CONTINUED. Continued to July 8, 2003

**Question: Shall this Charter Amendment be SUBMITTED?**



Present: Supervisors Hall, Gonzalez

15. 031013 [Settlement of Lawsuit - Dillingham Construction N.A. et al., v. City and County of San Francisco, et al.]

Ordinance authorizing settlement of the lawsuit filed by Dillingham Construction N.A. against the City and County of San Francisco for \$2,400,000.00; the lawsuit was filed on March 19, 2001 in San Mateo County Superior Court, Case No. 416236; entitled Dillingham Construction N.A., Inc., et al., v. City and County of San Francisco, et al; other material terms of said settlement are that the settlement amount is to be paid in part through the release of \$1,050,000.00 from an unpaid progress payment and the retention account held for SFIA Airport Contract No. 5500J North Connector Package in exchange for dismissal with prejudice of the lawsuit and the waiver of costs and attorneys fees.

(City Attorney)

(Public Benefit Recipient).

6/24/2003, PASSED ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

## NEW BUSINESS

### Recommendations of the Budget Committee

*Present: Supervisors Daly, Peskin, Ma, Gonzalez*

**16. 030980 [Establishing an Administrative Services Vehicle Leasing Program Fund]**

**Mayor**

Ordinance amending the San Francisco Administrative Code by adding Section 10.100-9, to establish an Administrative Services Vehicle Leasing Program Fund.

(Mayor)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

**17. 030982 [Setting Controller's fees for issuing a property tax certificate or a replacement W-2 form]**

**Mayor**

Ordinance amending the San Francisco Administrative Code by adding Section 8.41, to authorize the Controller to collect a fee of \$40 for issuing a property tax certificate under Government Code Section 66492 and a fee of \$20.00 for issuing a replacement W-2 form.

(Mayor)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

*Present: Supervisors Daly, Peskin, Gonzalez*

**18. 030986 [Patient Rates, Fiscal Year 2003-04]**

**Mayor**

Ordinance amending Section 128 of the San Francisco Health Code to revise selective patient rates for Mental Health services furnished by the Department of Public Health, retroactive to July 1, 2003.

(Mayor)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

*Present: Supervisors Daly, Peskin, Ma, Gonzalez;*

19. 030991 **[Establishing Parking Meter and Permit Parking Areas --Recreation and Park Property]**  
**Mayor**  
Ordinance amending the Traffic Code by adding Sec. 201.5 to establish Parking Meter Area Number Five; amending Sec. 201 to authorize the General Manager of the Recreation and Park Department to establish parking meter zones within Parking Meter Area Five subject to approval of the Recreation and Park Commission; adding Sec. 203.6 to set Parking Meter Rates in Parking Meter Area Number Five and to authorize the Recreation and Park Commission to reduce the meter rate not more than 50% lower than that set by the Board of Supervisors; amending Sec. 213 to provide that monies collected from meters located on park land be credited to an account for use by the Recreation and Park Department; adding Park Code Article 14 to establish permit parking on Park Property; and amending Park Code Sec. 6.10 to provide for penalties for violating Article 14.  
(Mayor)  
(Supervisor Peskin dissenting in Committee.)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

*Present: Supervisors Daly, Peskin, Gonzalez*

20. 030992 **[Amending Administrative Code Section 10.100-218.]**  
**Mayor**  
Ordinance amending Administrative Code Section 10.100-218 to (1) permit unencumbered tobacco settlement revenues received by the City and deposited into the Tobacco Settlement Revenue Sub-account prior to the date of issuance of the City's bonded indebtedness authorized by the voters pursuant to Proposition A of November of 1999 to be used for a transfer to the General Fund in fiscal year 2003-2004 for the payment of certain Department of Public Health expenses and (2) provide a guarantee of payment from the City's General Fund in the event that less than \$100,000,000 of tobacco settlement revenues are available to be expended on the Laguna Honda Hospital reconstruction project.  
(Mayor)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

*Present: Supervisors Daly, Peskin, Maxwell, Ma, Gonzalez*

21. 030916 **[Imposing permit fee surcharge on permits subject to appeal before the Board of Appeals]**  
**Supervisor Peskin**  
Ordinance amending the Administrative Code by adding a new Article 10G, imposing a surcharge on permits issued by the Department of Building Inspection, the Taxi Commission, the Police Department and the Department of Public Works, and imposing a surcharge on fees imposed by the Planning Department for review of permits where such permits are subject to appeal before the Board of Appeals.

6/3/2003, SUBSTITUTED. Supervisor Peskin submitted a substitute ordinance bearing same title.

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

22.      030988    [Setting Administrative Fee for Tow of Vehicles]  
Mayor  
Ordinance approving administrative fee of \$194 pursuant to Traffic Code Section 170.2-A for police costs for towing of vehicles.  
(Mayor)

Question: Shall this Ordinance be PASSED ON FIRST READING?

23.      030971    [PERS Contract Amendment]  
Mayor  
Resolution of Intention to Approve an Amendment to Contract Between the Board of Administration, California Public Employees' Retirement System, and the Board of Supervisors, City and County of San Francisco.  
(Mayor)

Question: Shall this Resolution be ADOPTED?

24.      030985    [Redevelopment Agency Budget and Bonds, Fiscal Year 2003-2004]  
Mayor  
Resolution approving the Budget of the Redevelopment Agency of the City and County of San Francisco for fiscal year 2003-2004; and approving the Issuance by the Agency of Bonds in an aggregate principal amount not to exceed \$61,000,000 for the purpose of financing Redevelopment activities in fiscal year 2003-2004.  
(Mayor)

Question: Shall this Resolution be ADOPTED?

*Present: Supervisors Daly, Maxwell, Ma, Gonzalez*

25.      031132    [Treasure Island Development Authority Budget, Fiscal Year 2003-2004]  
Resolution approving the Budget of the Treasure Island Development Authority for fiscal year 2003-2004.  
(Budget Committee)  
(Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

**From the Budget Committee "Without Recommendation"**

*Present: Supervisors Daly, Peskin, Ma, Gonzalez*

26.      030981    [Increasing the Emergency Response Fee imposed on telephone subscribers]  
Mayor  
Ordinance amending Article 10A of the Business and Tax Regulations Code by amending Sections 753 and 755 to increase the per-line Emergency Response Fee imposed on telephone subscribers, as well as the maximum total fee that may be imposed on a subscriber.  
(Mayor)

Question: Shall this Ordinance be PASSED ON FIRST READING?

## Recommendations of the Land Use Committee

*Present: Supervisors McGoldrick, Maxwell, Ammiano*

**27. 021586 [Acceptance of Street for Maintenance Purposes]**

Ordinance accepting for maintenance purposes Illinois Street from 25th Street to Marin Street, subject to specified limitations; pursuant to California Streets and Highways Code section 1806, San Francisco Administrative Code section 1.52, and Department of Public Works Order No. 173,794, (Public Works Department)

(No fiscal impact; No Public Benefit Recipient.)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

**28. 030678 [Prohibiting subsurface development on property adjacent to the Embarcadero, owned by the City and dedicated as open space]**

**Supervisor Peskin**

Ordinance prohibiting subsurface development on certain real property located at Drumm Street, between Clay and Washington Streets, described generally as Assessor's Block 202, Lots 6, 14 and a portion of 15, and a portion of Block 203, Lot 14, partial jurisdiction over which has previously been transferred from the Department of Public Works to the Recreation and Park Commission, and transferring to the Recreation and Park Commission the subsurface area of property previously transferred.

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

**29. 030793 [Opposition to the Proposed Potrero Unit 7 Power Plant]**

**Supervisors Maxwell, Ammiano, Daly, McGoldrick, Peskin**

Resolution opposing the proposed Potrero Unit 7 power plant project and urging City officials and departments not to enter into any agreements that may be required to facilitate or enable the siting, licensing, approval or construction of the proposed Potrero Unit 7 power plant and urging the City Attorney to actively oppose the Potrero Unit 7 project in all forums.

**Question: Shall this Resolution be ADOPTED?**

**30. 030997 [Cooperative Agreement for Transbay Terminal Project]**

**Supervisors Daly, Hall**

Resolution approving a Cooperative Agreement between the City and County of San Francisco, the Transbay Joint Powers Authority and the State of California for the acquisition of vacant State-owned property comprising portions of the former Route 480 and Embarcadero Freeway Right-of-Way, and including the Transbay Terminal and its Loop Ramps, for purposes of the Transbay Terminal Project; and making findings of consistency with the General Plan and eight priority policies of Planning Code section 101.1, and environmental findings.

(No Public Benefit Recipient.)

**Question: Shall this Resolution be ADOPTED?**



## Recommendations of the Rules Committee

*Present: Supervisors Hall, Gonzalez*

**31. 030652 [Amendments to the Municipal Elections Code]**

Ordinance amending the Municipal Elections Code to amend Sections 110, 200, 250, 300, 360, 370, 500, 510, 530, 535, 550, 590, 595, and 800, add Sections 225 and 270, and delete Section 930 to: Conform the Municipal Elections Code to recent changes in the Charter; change the deadlines for submission of materials for publication in the Voter Information Pamphlet; specify the public examination periods for each category of material submitted for publication in the Voter Information Pamphlet; modify the deadlines for delivery of the Voter Information Pamphlet prior to each general and special election; specify language for inclusion in the Voter Information Pamphlet concerning ballot measures which concern the same subject matter and which may have conflicting provisions; explicitly incorporate the State law that applies to local ballot designations; explicitly state the rules concerning ballot printing after the death of a candidate; impose a 100-word limit on bond measure statements; add definitions; correct outdated code references; codify departmental practice; and clarify ambiguous language.  
(Elections Department)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

**32. 030994 [Filing Electronic Copies of Campaign Statements]**

**Supervisor Ammiano**

Ordinance amending Article I, Chapter 3 of the Campaign and Governmental Conduct Code, by amending Sections 1.305, 1.310 and 1.315, and adding Section 1.312, to require political committees to file electronic copies of supplemental independent expenditure reports that must be filed on paper with the Commission; authorize the Ethics Commission to require political committees to file electronic copies of any other campaign disclosure statements that must be filed on paper with the Commission; require political committees to continue to file electronic copies of campaign disclosure statements, regardless of the committee's level of financial activity, until the committee files a statement of termination; eliminate redundant definitions; and increase the late filing fine from \$10 per day to \$25 per day.

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

*Present: Supervisors Hall, Duffy, Gonzalez*

**33. 031101 [Adding Rule 1.10 to the Rules of Order]**

**Supervisor Gonzalez**

Motion adding Rule 1.10 to the Rules of Order of the Board of Supervisors to provide that Supervisors, and the Mayor, are urged to submit to the Board of Supervisors for public hearing all proposed ballot measures that four or more Supervisors, or the Mayor, are planning to submit directly to the voters, including general obligation or revenue bond measures under sections 9.106 and 9.107 of the City Charter; and urging the circulators of initiative ballot measures to participate in public hearings on their measures at the Board of Supervisors.  
(No fiscal impact.)

**Question: Shall this Motion be ADOPTED?**

**From the Rules Committee "Without Recommendation"**

*Present* Supervisors Hall, Duffy, Gonzalez

34. 030848 [General Assistance-In-kind Assistance]  
Supervisors Newsom, Duffy, Sandoval, McGoldrick, Peskin  
Ordinance modifying the City's General Assistance (GA) Program by amending San Francisco Administrative Code Sec. 20.57 to reflect the current grant amount; amending Administrative Code Sec. 20.59.3 to provide in-kind housing, utilities and meals to homeless applicants and recipients; amending Administrative Code Sec. 20.57.1 to value housing, utilities and meals provided to homeless recipients as in-kind assistance; adding Administrative Code Sec. 20.57.6A. to provide a special needs allowance to homeless recipients; adding Administrative Code Sec. 20.60.12 to establish a baseline GA budget; adding Administrative Code Sec. 20.60.13 to require a Controller's evaluation; adding Administrative Code Sec. 20.60.14 to establish an operative date for these amendments of on or before July 1, 2003.

Question: Shall this Ordinance be PASSED ON FIRST READING?

35. 030871 [General Assistance - In- Kind Assistance]  
Supervisors Daly, Ma, Maxwell  
Ordinance amending Administrative Code sections 20.57, 20.59.3, and 20.57.1; adding Administrative Code sections 20.57.6A., 20.60.12, Sec. 20.60.13, and 20.60.14.

Question: Shall this Ordinance be PASSED ON FIRST READING?

*Item Numbers 36 through 40*

*(Pursuant to the provisions of Rule 2.28.7 of the Board's Rules of Order, at least six days must intervene between the first appearance of a proposed Charter amendment before the Board as a referral from committee and any Board order of submission to the electorate. In accordance therewith consideration of the following proposed Charter amendments appropriately may be continued at least one week.)*

**Recommendation of the Rules Committee**

*Present: Supervisors Hall, Duffy, Gonzalez*

36.       020938   **[Charter Amendment - Retirement Benefits for Miscellaneous Safety Employees]**  
**Supervisors Ammiano, Gonzalez, Newsom**  
Charter Amendment (Seventh Draft) to amend Appendix A8.506-2 thereto, relating to retirement benefits for miscellaneous safety employees.

6/18/03 Amendment of the whole bearing same title.

7/15/2002, CONTINUED. Continued to July 22, 2002.

7/22/2002, AMENDED. AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

7/22/2002, RE-REFERRED to Rules and Audits Committee.

3/18/2003, SUBSTITUTED. Supervisor Ammiano submitted a substitute Charter Amendment (Fifth Draft) bearing same title.

4/29/2003, CONTINUED. Continued to May 6, 2003

5/6/2003, CONTINUED. Continued to May 20, 2003

Supervisor Newsom requested to be added as a co-sponsor.

5/20/2003, CONTINUED. Continued to June 10, 2003

6/10/2003, AMENDED. Amended on page 1, after "of such contract" by adding New Paragraph "Contracts and contract amendments shall be cost-neutral and employee bargaining units shall be permitted to trade salary or other employee-paid benefits to achieve cost-neutrality. The Board of Supervisors or the Community College District is empowered to determine compliance under this section."

6/10/2003, RE-REFERRED to Rules Committee.

**Question: Shall this Charter Amendment be SUBMITTED?**

### From the Rules Committee With Recommendation "Do Not Submit"

*Present: Supervisors Hall, Duffy, Gonzalez*

37. 030865 [Charter Amendment - Transferring the Police Department's functions, assets and operations to the Sheriff]

**Supervisor Daly**

Charter amendment (Third Draft) to amend Section 6.105 and providing for the repeal of Section 4.109, to transfer the Police Department's functions, assets and operations to the Sheriff.

(Pursuant to the provisions of Rule 2.28.7 of the Board's Rules of Order, at least six days must intervene between the first appearance of a proposed Charter amendment before the Board as a referral from committee and any Board order of submission to the electorate. In accordance therewith consideration of the following proposed Charter amendment appropriately may be continued at least one week.)

5/20/2003, SUBSTITUTED. Supervisor Daly submitted a substitute Charter amendment bearing new title.

**Question: Shall this Charter Amendment be SUBMITTED?**

38. 030866 [Charter Amendment - Establishing an Elected Rent Board]

**Supervisor Daly**

Charter amendment (Second Draft) to add a new Article VIA to establish an elected San Francisco Residential Rent Stabilization and Arbitration Board that would replace the existing appointed Rent Board.

**Question: Shall this Charter Amendment be SUBMITTED?**

### From the Rules Committee "Without Recommendation"

*Present: Supervisors Hall, Duffy, Gonzalez*

39. 030859 [Charter Amendment - Police Commission; Office of Citizen Complaints; Police Misconduct]  
**Supervisors Ammiano, McGoldrick, Gonzalez**

Charter amendment (Second Draft) to amend the Charter of the City and County by amending Sections 4.109, 4.127, A8.343 and A8.344, governing the appointment and removal of Police Commissions, the terms of the commissioners, authorizing the director of the OCC to file disciplinary charges, and other disciplinary provisions.

(Supervisor Hall dissenting in Committee.)

**Question: Shall this Charter Amendment be SUBMITTED?**

**SPECIAL ORDER 3:00 P.M.****Board of Supervisors Sitting as a Committee of the Whole**

40.      030858      [Charter Amendment - Rainy Day Reserve]  
                         Supervisors Ammiano, McGoldrick, Newsom

Charter Amendment (Second Draft) to add Section 9.113.5 and amend Section 9.113, to create a Rainy Day (Economic Stabilization) Reserve and clarify general rules for fiscal operations.

6/3/2003. SUBSTITUTED. Supervisor Ammiano submitted a substitute Charter amendment (Second Draft) bearing new title

6/24/2003. CONTINUED. COMMITTEE OF THE WHOLE RISE AND REPORT WITHOUT RECOMMENDATION

6/24/2003, CONTINUED AS AMENDED. Continued to July 8, 2003 as the Board Sitting as a Committee of the Whole

*COMMITTEE OF THE WHOLE RISE AND REPORT WITHOUT RECOMMENDATION*

**Question: Shall this Charter Amendment be SUBMITTED?**

**SPECIAL ORDER 3:00 P.M.**

41. 030961 [Public Hearing - Appeal, Categorical Exemption, 948-950 Lombard Street]  
Hearing of persons interested in or objecting to the decision of the Planning Department dated May 7, 2003, approving a categorical exemption from the California Environmental Quality Act ("CEQA"), as provided in the CEQA Guidelines, 14 California Code of Regulations Sections 15301, 15303, and 15331  
(F. Joseph Butler, Architect, Appellant; Appeal filed May 27, 2003.)

Action: \_\_\_\_\_

*Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102-4689) at, or prior to, the public hearing.*

**From the Clerk****(Only one of the following three motions should be adopted.)**

42. 031164 [Tabling the appeal of the categorical exemption issued for 948-950 Lombard Street]  
Motion tabling the appeal of the determination by the Planning Department that the proposed project located at 948-950 Lombard Street is categorically exempt from the California Environmental Quality Act as a minor alteration of an existing structure, new construction or conversion of small structures, and restoration of an historical resource.  
(Clerk of the Board)

Question: Shall this Motion be ADOPTED?

43. 031021 [Affirming the categorical exemption issued for 948-950 Lombard Street]  
Motion affirming the determination by the Planning Department that the proposed project located at 948-950 Lombard Street is categorically exempt from the California Environmental Quality Act as a minor alteration of an existing structure, new construction or conversion of small structures, and restoration of an historical resource.  
(Clerk of the Board)

Question: Shall this Motion be ADOPTED?

44. 031022 [Disapproving the categorical exemption issued for 948-950 Lombard Street]  
Motion disapproving the determination by the Planning Department that the proposed project located at 948-950 Lombard Street is categorically exempt from the California Environmental Quality Act as a minor alteration of an existing structure, new construction or conversion of small structures, and restoration of an historical resource.  
(Clerk of the Board)

Question: Shall this Motion be ADOPTED?

45. 031023 [Preparation of findings to disapprove categorical exemption issued for 948-950 Lombard Street]  
Motion directing the Clerk of the Board to prepare findings disapproving the determination by the Planning Department that the proposed project located at 948-950 Lombard Street is categorically exempt from the California Environmental Quality Act as a minor alteration of an existing structure, new construction or conversion of small structures, and restoration of an historical resource.  
(Clerk of the Board)

Question: Shall this Motion be ADOPTED?

*Item Numbers 46 through 51*

*(Pursuant to the provisions of Rule 2.28.7 of the Board's Rules of Order, at least six days must intervene between the first appearance of a proposed Charter amendment before the Board as a referral from committee and any Board order of submission to the electorate. In accordance therewith consideration of the following proposed Charter amendments appropriately may be continued at least one week.)*

## COMMITTEE REPORTS

*Reports from committees, if any, recommending emergency or urgent measures.*

### From the Rules Committee

*The following items will be considered by the Rules Committee at a Special Meeting on Monday, July 7, 2003. The Chair intends to request the Committee to send the following items to Board as a Committee Report.*

46. 030632 [Ballot Measures Submitted by the Board of Supervisors, Four or More of its Members, or the Mayor]  
Charter amendment (Third Draft) to amend 2.113 and 3.100 to provide that any proposed ordinance or declaration of policy submitted to the Director of Elections by the Board of Supervisors, by four or more of its members, or by the Mayor, must be submitted to the Board of Supervisors no later than 45 days before the deadline for submission of the measure to the Director of Elections, and to require that the Board of Supervisors hold a hearing on the proposed ordinance or declaration of policy and on any amendment thereto no later than 30 days before the deadline for submission of the measure to the Director of Elections, provided that failure of the Board of Supervisors to hold a hearing on a measure submitted by less than the full Board of Supervisors or by the Mayor shall not preclude submission of the measure to the voters.

5/13/2003, SUBSTITUTED. Supervisor Newsom submitted a substitute Charter amendment bearing new title.

Question: Shall this Charter Amendment be SUBMITTED?

47. 030681 [Charter Amendment-Ethics provisions to move various provisions into ordinances, to enact new provisions, to make technical changes, and to clarify ambiguities in existing provisions]  
**Supervisor Annunzio**  
Charter amendment (Fourth Draft) to amend Sections 4.108, 4.109, 15.100, 15.103, 15.105, 16.118 and Article XVII, deleting Sections 15.104, 15.106, 15.108, C8.105 and adding Section 18.115 and Appendix Sections C9.101, C9.102, C9.103, C9.104, C9.105, C9.106, C9.107, C9.108, C9.109, C9.110, C9.111, C9.112, C9.113, C9.114, C9.115, C9.116, C9.117, C9.118, C9.119, C9.120, C9.121, C9.122, C9.123, C9.124, C9.125, C9.126 and C9.127 to enact new conflict of interest provisions, to make technical changes, to move various provisions into ordinances, and to clarify existing provisions.
- 5/13/2003, SUBSTITUTED. Supervisor Annunzio submitted a substitute bearing new title.
- Question: Shall this Charter Amendment be SUBMITTED?**
48. 030812 [Charter Amendment - Designating the Controller as City Services Auditor]  
**Supervisors McGoldrick, Peskin, Ma, Duffy**  
Charter amendment (Fifth Draft) to amend Section 3.105 and to add Appendix F to designate the Controller as the City Services Auditor, establish duties for that function, and set aside two-tenths of one percent of the City's annual budget for a Controller's Audit Fund.  
(Fiscal impact.)
- 5/20/2003, SUBSTITUTED. Supervisor McGoldrick submitted a substitute Charter amendment bearing new title.  
6/3/2003, SUBSTITUTED. Supervisor McGoldrick submitted a substitute Charter Amendment (Third Draft) bearing new title.
- Question: Shall this Charter Amendment be SUBMITTED?**
49. 030853 [Charter Amendment - Board of Supervisors Proceedings]  
**Supervisor Gonzalez**  
Charter amendment (Third Draft) to amend Sections 2.103, 2.104, and Article XVII, and by adding Section 4.101-1 to modify the provisions governing the proceedings of the Board of Supervisors by tolling deadlines for action by the Board when the Board is in recess, by reducing the number of votes required at the Board of Supervisors for various actions when one or more Board members are disqualified from voting on a matter because of a conflict of interest, and by limiting hold-over appointments to 60 days.
- Question: Shall this Charter Amendment be SUBMITTED?**
50. 030855 [Charter Amendment - Early retirement benefits to employees in classifications identified for layoffs due to the City's fiscal crisis]  
Charter amendment (Second Draft) to add Sections A8.401 and A8.522 to provide early retirement benefits to eligible employees.  
(Mayor)

**Question: Shall this Charter Amendment be SUBMITTED?**



51. 030857 [Charter Amendment - Retirement Benefits for District Attorneys, Public Defenders and Public Defender Investigators]  
Supervisor Gonzalez  
Charter amendment (Second Draft) to add Appendix A8.583 relating to retirement benefits for attorneys in the District Attorney's and Public Defender's offices and Public Defender Investigators 6/18/03 Amendment of the whole bearing same title.

Question: Shall this Charter Amendment be SUBMITTED?

## 52. ROLL CALL FOR INTRODUCTIONS

*Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, letters of request to the City Attorney and Board Members' reports on their regional body activities.*

## 53. PUBLIC COMMENT

*An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes.*

## APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

*These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.*

54. 031154 [Legislative Analyst Request - CITYSTAT Technology Systems]  
Supervisor Newsom  
Motion directing the Office of the Legislative Analyst to conduct research on CITYSTAT technology systems, including an analysis of how the other the other major cities, including New York, Chicago, Phoenix and Baltimore, have implemented a CITYSTAT program.

Question: Shall this Motion be ADOPTED?

### From the City Services Committee "Without Recommendation"

*Present: Supervisors Duffy, Newsom, McGoldrick*

55. 030737 [Preservation of Emergency Nature of Shelter; Prevention of Displacement, Prioritization, or Set-Asides of Shelter Beds Based Solely on Income]  
**Supervisor McGoldrick**  
Ordinance adding Article II to Chapter 20 of the San Francisco Administrative Code to preserve the emergency nature of the City's shelter system; to prevent displacement of an individual from a shelter bed based solely on that individual's income, and to prohibit prioritization or set-asides of shelter beds based on income.

5/6/2003 SUBSTITUTED Supervisor McGoldrick submitted a substitute ordinance bearing new title.

Question: Shall this Ordinance be PASSED ON FIRST READING?

### **CLOSED SESSION**

#### City as Defendant

56. 031172 [Closed Session - Anticipated Litigation As Defendant]  
**Supervisor McGoldrick**  
Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney that, based on existing facts and circumstances, there is significant exposure to litigation against the City (City anticipated to be a defendant) regarding the proposed ordinance to preserve the emergency nature of the City's shelter system, to prevent displacement of an individual from a shelter bed based solely on that individual's income, and to prohibit prioritization or set-asides of shelter beds based on income.

This closed session would be permitted by Government Code Section 54956.9(b) (1), and San Francisco Administrative Code Section 67.10(d) (2), and discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City if litigation is filed.

Action: \_\_\_\_\_

*After a closed session, if one occurs, the President shall (1) request the Deputy City Attorney to identify the subjects discussed in the closed session, and (2) direct the Clerk of the Board to report the vote taken on any motion in the closed session.*

*[Elect To Disclose]*

*Motion that the Board finds it is in the public interest to disclose information discussed in closed session, and directs the President immediately to disclose that information.*

*[Elect Not to Disclose]*

*Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations concerning the anticipated litigation listed above.*

## CLOSED SESSION

### City as Defendant

57. 031171 [Closed Session - Existing Litigation, City as Defendant]

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following litigation filed against the City and County of San Francisco by plaintiffs who have challenged the validity of an appeal from a Planning Commission decision granting a conditional use authorization, which decision was reversed by the Board of Supervisors on appeal, regarding a proposed demolition of an existing motel (Lanai Motel) and construction of a four story tourist hotel at 2361 Lombard St.

Realty Equities, Inc. v. San Francisco  
San Francisco Superior Court No. 314-332, filed 8/14/00

The Closed Session is permitted by California Government Code Section 54956.9 (a) and Administrative Code (Sunshine Ordinance) Section 67.10 (d) (1), and discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the pending litigation.  
(City Attorney)

Action: \_\_\_\_\_

*After a closed session, if one occurs, the President shall (1) request the Deputy City Attorney to identify the subjects discussed in the closed session, and (2) direct the Clerk of the Board to report the vote taken on any motion in the closed session.*

*[Elect To Disclose]*

*Motion that the Board finds it is in the public interest to disclose information discussed in closed session, and directs the President immediately to disclose that information.*

*[Elect Not to Disclose]*

*Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations concerning the existing litigation listed above.*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

*These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.*

### Items 58 through 66

58. 031158 [BART-SFO Extension]  
Supervisors Peskin, Duffy  
Resolution commending the completion of the BART-SFO Airport Extension.
- 6/24/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
Question: Shall this Resolution be ADOPTED?
59. 031159 [Stockton Street Enhancement Plan]  
Supervisor Peskin  
Resolution urging the Department of Parking and Traffic and the Department of Public Works to implement the Stockton Street Enhancement Plan.
- 6/24/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
Question: Shall this Resolution be ADOPTED?
60. 031160 [Extension of Planning Commission Review Period]  
Supervisor Peskin  
Resolution extending the prescribed time within which the Planning Commission may render its decision on a proposed ordinance to amend the San Francisco Planning Code by repealing Section 207.2 [Second Units] in its entirety, adding a new Section 207.2, and amending Section 209.1 to authorize one additional secondary unit limited to 750 square feet of gross floor area within an existing structure on a lot within 1250 feet of a Primary Transit Street or Transit center and also within 1250 feet of a Neighborhood Commercial or Commercial zoning district, on a lot containing a qualified historical building or where the unit is specifically designed and constructed for the elderly or persons with physical disabilities, to prohibit the owner from legalizing an illegal unit pursuant to the provisions of this ordinance, and providing that the secondary unit shall not be subject to the Rent Ordinance but requiring that a secondary unit in a multi-family building shall be subject to affordability requirements; by amending Sections 135(d), Table 151 of Section 151 and 307(g) to establish the amount of open space and parking required for these secondary units; by amending the San Francisco Traffic Code by adding Section 308.5.1 to prohibit issuance of a residential parking permit to the occupant of a secondary unit; by adding new Section 106.4.1.3 to the San Francisco Building Code to require site inspection prior to issuance of a building permit for the secondary unit to verify that no unpermitted unit exists on the property and prohibiting the issuance of a building permit or certification of occupancy for the second unit if an unpermitted unit has operated on the property within the previous ten years, unless that unit was legally demolished prior to January 1, 2003; and by amending Section 37.9 of the San Francisco Administrative Code to require relocation assistance for persons required to vacate illegal units; and adopting findings.
- 6/24/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
Question: Shall this Resolution be ADOPTED?
61. 031161 [Urge Real Estate Companies to Reward the Hard Work for Janitors]  
Supervisor Sandoval  
Resolution urging real estate companies in San Francisco to employ cleaning companies that provide decent and fair wages, adequate health benefits, full-time work and union involvement without fear of retribution.
- 6/24/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
Question: Shall this Resolution be ADOPTED?

- 62. 031162 [Student Adjustment Act II.R. 1684]**  
**Supervisors Sandoval, Dufty**  
Resolution urging the California Congressional delegation to pass the Student Adjustment Act (II.R. 1684) which authorizes the cancellation of removal and the adjustment of status for certain immigrant youths who are college bound and are long term United States residents and permit States to determine State residency for purposes of higher education without regard to immigration status.
- 6/24/2003. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**
- 63. 031148 [Needle Exchange Emergency]**  
**Supervisors Ammiano, Newsom, Daly, Peskin, McGoldrick, Maxwell, Dufty**  
Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.
- 6/24/2003. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Motion be ADOPTED?**
- 64. 031157 [Port Management Audit]**  
**Supervisor Daly**  
Motion directing the Budget Analyst to conduct a management audit of the Port of San Francisco on a priority basis.
- 6/24/2003. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Motion be ADOPTED?**
- 65. 031174 [Commending Canon Barcus Community House]**  
**Supervisor Daly**  
Resolution commending Canon Barcus Community House for its outstanding care and community service in managing after school and teen programs, case management, vocational support, and on-site health clinic and property management.
- 7/2/2003. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**
- 66. 031175 [Commending Robert Martin]**  
**Supervisor Daly**  
Resolution commending Robert Martin and the staff of the Tenth Street and the Church Street Compassion and Care Center for providing safe access, sympathetic care, and numerous services to San Franciscans who use medical cannabis to alleviate pain and suffering from serious illnesses.
- 7/2/2003. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**

*Questions on the For Adoption Without Committee Reference  
Agenda: \_\_\_\_\_*

## 67. IMPERATIVE AGENDA

*Resolution(s) if any to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act introduced today not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each resolution requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s).*

*[Serious Injury Finding]*

*Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."*

*[Purely Commendatory Finding]*

*Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.*

*[Brown Act Finding]*

*Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.*

*[Imperative Resolutions, if any]*

## OFF-AGENDA LEGISLATION

### PROPOSED ORDINANCES

*Proposed ordinances received from June 17, 2003 through June 30, 2003, for reference by President to appropriate committee on July 8, 2003.*

*None.*

### PROPOSED RESOLUTIONS

*Proposed resolutions received from June 17, 2003 to June 30, 2003, for reference by President to appropriate committee on July 8, 2003.*

#### 031120 [Contracting Out Airport Information Booth Services]

Resolution approving the Controller's Certification that Airport Information Booth Services at San Francisco International Airport can practically be performed by private contractor at a lower cost than if work were performed by City employees at currently budgeted.

(Airport Commission)

(Public Benefit Recipient.)

6/20/2003. RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031121 [Contracting Out Shuttle Bus Service]**

Resolution approving the Controller's certification that shuttle bus service for San Francisco International Airport's Long-Term Parking Lot, the employee garage and surface Lot DD can practically be performed by private contractor at a lower cost than if work were performed by City and County employees.

(Airport Commission)

(Public Benefit Recipient.)

6/20/2003, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031122 [Modification to the Professional Services Agreement for Construction Management Services for the AirTrain System at SFO]**

Resolution approving Modification No. 8, the Close-out Modification, of Professional Services Agreement for Contract No. 5700CM – Construction Management Services for the AirTrain System with PGH Wong Engineering/Luster Construction Management, in the amount of \$650,000, for a new total contract amount of \$33,497,367.

(Airport Commission)

(Public Benefit Recipient.)

6/20/2003, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031123 [Explore the effects of antiretroviral therapy (HAART) on cancer incidence in persons with AIDS]**

Resolution authorizing the San Francisco Department of Public Health, AIDS Office (SFDPH, AIDS) to accept and expend retroactively a grant in the amount of \$85,335 from the National Institute of Allergy and Infectious Diseases (NIAID), to explore the effect of highly active antiretroviral therapy (HAART) on cancer incidence in persons with AIDS and to enter into an agreement for the use of these funds; for the period of May 1, 2003, to October 31, 2004.

(Public Health Department)

(No Public Benefit Recipient.)

6/19/2003, RECEIVED AND ASSIGNED to City Services Committee.

**031124 [Laundry Services At San Francisco General Hospital]**

Resolution concurring with the Controller's certification that the laundry services can be performed for the Department of Public Health, San Francisco General Hospital by private contractor for a lower cost than similar work performed by City and County employees.

(No Public Benefit Recipient.)

6/19/2003, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031125 [Services for indigent patients at the S.F. General Hospital Trauma Center]**

Resolution authorizing the San Francisco Department of Public Health, San Francisco County EMS Agency (SFDPH) to accept retroactively and expend a one year grant in the amount of \$587,034 from the California Emergency Medical Services Authority (CEMSA) to support the Trauma Center at San Francisco General Hospital and to enter into an agreement for the use of these funds; for the period of July 1, 2002 to June 30, 2003.

(Public Health Department)

(No Public Benefit Recipient.)

6/19/2003, RECEIVED AND ASSIGNED to City Services Committee.

**031165 [STOP Intersections]**

Resolution designating certain intersections as "STOP" intersections.

**STOP SIGNS - ESTABLISH**

38th Avenue and Irving Street, stopping Irving Street at 38th Avenue, making this an all way STOP;  
22nd Avenue and Ortega Street, stopping Ortega Street at 22nd Avenue, making this an all-way  
STOP, and 21st Avenue and Irving Street, stopping Irving Street at 21st Avenue, making this an all-  
way STOP.

(Parking and Traffic Department)

(6/27/03: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2652; No Public Benefit Recipient.)

6/27/2003, RECEIVED AND ASSIGNED to Land Use Committee.

**031166 [Traffic Regulations, Various Streets]**

Resolution enacting and rescinding traffic regulations on various streets.

**LEFT LANE MUST TURN LEFT EXCEPT MUNI - ESTABLISH**

19th Avenue, northbound, at Junipero Serra Boulevard.

**ONE WAY STREET (NORTHBOUND) - ESTABLISH**

Guttenberg Street, between Hanover and Mission Streets.

**LEFT LANE MUST TURN LEFT - ESTABLISH**

7th Avenue, northbound, at Lawton Street.

(Parking and Traffic Department)

(6/27/03: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2652; No Public Benefit Recipient.)

6/27/2003, RECEIVED AND ASSIGNED to Land Use Committee.



**031167 [Parking Regulations, Various Locations]**

Resolution enacting and rescinding parking regulations at various locations.

**TAXI ZONE - ESTABLISH**

4th Street, west side, from Minna Street to 150 feet southerly (150-foot Taxi Zone).

**TOW-AWAY LANE MUST TURN RIGHT - ESTABLISH****TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH**

4th Street, southbound, from 150 feet south of Minna Street to Howard Street.

**TOUR BUS LOADING ZONE - ESTABLISH**

Howard Street, north side, from 120 feet to 445 feet west of 4th Street (325-foot white zone).

**TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH**

Howard Street, north side, from 4th Street to 120 feet westerly.

**TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH**

Howard Street, north side, from 445 feet to 570 feet west of 4th Street (125-foot zone).

**TOW-AWAY, NO PARKING ANYTIME - ESTABLISH**

Minna Street, south side, from 4th Street to 615 feet westerly.

**NO PARKING ANYTIME - REVOKE**

Minna Street, south side, from 230 feet west of 4th Street to 385 feet westerly (385-foot zone).

**TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH**

Turk Street, south side, from Divisadero Street to 95 feet westerly.

**RESIDENTIAL PERMIT PARKING AREA "J" (2-HOUR TIME LIMIT, 7 AM - 9 PM,****MONDAY THROUGH SUNDAY) - ESTABLISH**

Shrader Street, both sides, between Haight and Page Streets.

**TOW-AWAY, NO STOPPING ANYTIME - RESCIND**

7th Avenue, east side, from 40 feet to 180 feet north of Lawton Street.

**RESIDENTIAL PERMIT PARKING AREA "N" (2-HOUR TIME LIMIT, 9 AM - 6 PM,****MONDAY THROUGH FRIDAY) - ESTABLISH**

Funston Avenue, west side, between Clement Street and Geary Boulevard (300 block).

**2-HOUR PARKING TIME LIMIT, 7 AM TO 6 PM, EXCEPT SUNDAY - RESCIND****RESIDENTIAL PERMIT PARKING AREA "N" (2-HOUR TIME LIMIT, 9 AM - 6 PM,****MONDAY THROUGH FRIDAY) - ESTABLISH**

14th Avenue, east side, between Clement Street and Geary Boulevard.

**TOW-AWAY, NO PARKING ANYTIME - ESTABLISH**

Cesar Chavez Street south side, from 200 feet to 295 feet east of Kansas Street (in front of 2323 Cesar Chavez Street); and

Cesar Chavez Street, south side, from 402 feet to 638 feet east of Kansas Street (in front of 2323 Cesar Chavez Street).

RESIDENTIAL PERMIT PARKING AREA "R" (2-HOUR TIME LIMIT, 9 AM - 6 PM,  
MONDAY THROUGH SATURDAY) - ESTABLISH

Turk Street, north side, between Buchanan and Laguna Streets;

Laguna Street, west side, between Eddy and Turk Streets;

Eddy Street, both sides, between Buchanan and Laguna Streets; and

Larch Way, both sides, between Buchanan and Laguna Streets.

Note: Larch Way is a private drive within the Yerba Buena Plaza East Housing Development that will not be signed, but residents will be eligible for permits.

RESIDENTIAL PERMIT PARKING AREA "Z" (2-HOUR TIME LIMIT, 8 AM - 6 PM,  
MONDAY THROUGH FRIDAY) - ESTABLISH

Church Street, both sides, between 26th and Clipper Streets (1300 block).

45-DEGREE ANGLED PARKING - ESTABLISH

2600 Block of Harrison Street, east side, from 23rd Street to a point 187 feet south of 22nd Street (approximately 20 feet south of existing bicycle lane)

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH

Ritch Street, east side, from 92 feet to 131 feet north of Brannan Street; and

Ritch Street, east side, from 165 feet to 196 feet north of Brannan Street.

TOW-AWAY, NO STOPPING ANYTIME - RESCIND

TOW-AWAY, NO STOPPING DURING CANDLESTICK PARK EVENTS - ESTABLISH

Jamestown Avenue, south side, between Ingalls and Redondo Streets.

COMPACT VEHICLES ONLY - ESTABLISH

Northern end of 20th Avenue, north of Lake Street, from west curb to 20 feet easterly (two spaces perpendicular to terminus).

(Parking and Traffic Department)

(6/27/03: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2652; No Public Benefit Recipient.)

6/27/2003, RECEIVED AND ASSIGNED to Land Use Committee.

**031168 [Develop placement alternatives for African-American individuals residing in Institutions for Mental Disease]**

Resolution authorizing the San Francisco Department of Public Health, Behavioral Health Services (SFDPH, BHS) to accept and expend retroactively a grant in the amount of \$399,444 from the California Department of Mental Health (CDMH) to develop model strategies and protocols for African-Americans institutionalized for mental disease; for the period of June 16, 2003, to June 30, 2004.

(Public Health Department)

6/27/2003, RECEIVED AND ASSIGNED to City Services Committee.

**031169 [Reimbursable Professional Services Agreement with Siemens Dematic Group]**

Resolution approving the Reimbursable Professional Services Agreement with Siemens Dematic Group for the project management and construction management services in the estimated amount of \$2,160,000.  
(Airport Commission)  
(Public Benefit Recipient.)

6/27/2003, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031170 [Airport Lease with U.S. Government for office space]**

Resolution approving a Lease with the U.S. Government for office space to be occupied by the Transportation Security Administration at the International Terminal.  
(Airport Commission)

6/27/2003, RECEIVED AND ASSIGNED to Finance and Audits Committee.

## 031187 [Petitions and Communications]

Petitions and Communications received from June 17, 2003 through June 30, 2003, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on July 8, 2003

From Department of Public Health, submitting the 2003 Title XV evaluation report for each detention facility in San Francisco. Copy: Each Supervisor (1)

From Office of the Legislative Analyst, submitting report on barriers to residential housing development in San Francisco; and suggesting possible course of action the Board of Supervisors could take to overcome them. (2)

From Abdallah Megahed, commenting on how some aspects of the San Francisco homeless program is administered. (3)

From Office of the Sheriff, submitting report on the impact of proposed budget cuts in the Sheriff's Department 2003-04 budget on employment and services to the public, specifically considering the impact of women and minority members of the public. File 030530 (4)

From SF International Airport, submitting invitation to members of the Board of Supervisors to the National Oceanic and Atmospheric Administration Panel on June 25, 2003 at the Herbst Theater in the War Memorial Building. Copy: Each Supervisor (5)

From various signators, submitting Form 700 Statement of Economic Interest: (6)

Julia Lin

Christine Gasparac

David Owen

Jim Dorenkott

Wade Crowfoot

From Ethics Commission, submitting proposed amendments to the City's Electronic Filing Ordinance. File 030994. Copy: Rules Committee (7)

From Department of Human Services, regarding the Mayor's fund for the homeless. (8)

From Law Offices of Stephen Williams, submitting request for continuance of hearing approving Conditional Use on property located at 40-50 Lansing Street (a.k.a. 33 Guy Place). File 031037 (9)

From Office of the Controller, submitting list of vehicles summarized at the department level that contains the count and cost for all types of passenger and heavy vehicle equipment budgeted for purchase in fiscal year 2003-04. Copy: Supervisors Ma, Dufty (10)

From Employees' Retirement System, submitting revisions presented in the sixth draft of proposed Charter amendment regarding retirement benefits for miscellaneous safety employees. File 020938 (11)

From Department of Child Support Services, regarding risk management practices within the Department of Child Support Services. (Reference No. 20030325-090) Copy: Supervisor McGoldrick (12)

From Governor's Office of Emergency Services, submitting notice of grant application for State Homeland Security Grant Program in the amount of \$771,317.00. (13)

From concerned citizens, submitting opposition to proposed legislation to install parking meters in Golden Gate Park. Copy: Budget Committee (14)

From Department of Public Health, submitting report regarding hazardous materials dated June 13, 2003. (15)

From Treasure Island Development Authority, regarding State and Federal grants awarded to the Treasure Island Development Authority in the past few years. (Reference No. 2003422-008) Copy: Supervisor Newsom (16)

From Isaac Lee, submitting request for a Type 48 liquor license for the purpose of operating a public lounge/bar establishment at 447 Broadway. (17)

From Department of Public Works, submitting notice that appellants' signatures with respect to 3725 Buchanan Street (a.k.a. 3727 Buchanan Street) represent owners of more than 20% of the area involved and is therefore sufficient for appeal. File 030956 (18)

From Department of Public Works, regarding Minor Sidewalk Encroachment permit for a new irrigation system at 201 Raccoon Drive. (19)

From Office of the Controller, regarding authorization for the San Francisco Finance Corporation to issue lease revenue bonds. File 030983 (20)

From Sunshine Ordinance Task Force, submitting list of all sole source contracts entered into during the past fiscal year. (21)

From Private Industry Council, regarding State and Federal grants awarded to the Private Industry Council in the past year. (Reference No. 20030422-012) Copy: Supervisor Newsom (22)

From James Chaffee, submitting recent article published by Sue Cauthen on the subject of the San Francisco Public Library administrator's attitudes toward "modernization" of our branch libraries. Copy: Each Supervisor (23)

From Office of the Controller, regarding request to Controller to transfer \$2.5 million from the Department of Building Inspection to the Planning Department for items including but not limited to the implementation of the CEQA process for community-based planning initiatives. (Reference No. 20030408-007) Copy: Supervisors Dufty, Peskin, McGoldrick, Maxwell, Ammiano, Ma and Newsom (24)

From the Sierra Club, submitting copy of letter sent to Supervisor Gonzalez regarding conversation with Secretary of State Kevin Shelley about the implementation of instant runoff voting in San Francisco. Copy: Each Supervisor (25)

From Shirley Yu, submitting request for a street name change for Kearney Street, particularly the part that runs through Chinatown because Denis Kearny was a politician who was anti-Chinese. (26)

From Leila Fakouri, submitting request for a Type 48-liquor license for Madrone Lounge, LLC, a new art gallery, located at 500 Divisadero Street. (27)

From Employees' Retirement System, concerning proposed Charter amendment on Early Retirement Benefits. File 030855, Copy: Rules Committee (28)

From Office of the Controller, submitting a review of the Mayor's fiscal year 2003-04 proposed budget. Copy: Budget Committee, Each Supervisor (29)

From Lucretia Rauh, submitting some suggestions that might mitigate or eliminate lack of parking in San Francisco. (30)

From the Bilingual Community Advocate Group, submitting copy of letters sent to various public

officials regarding the San Francisco Housing Authority. (31)

From Mary Harris, concerning OMI-Neighbors in Action opposition to closure of Fire Station 33 in the OMI neighborhood. Copy: Budget Committee, Each Supervisor (32)

From Muni, submitting request for waiver of Administrative Code Chapters 12B and 12C for Hoyt Corporation (33)

From Muni, submitting request for waiver of Administrative Code Chapters 12B and 12C for GE Transportation Parts LLC (34)

From concerned citizens, submitting support for an Environmental Impact Report for the proposed O'Shaughnessy Dam Modification Project. File 030886 (35)

From Office of the Controller, regarding supplemental appropriation ordinance to provide funding for the Public Education Special Fund in fiscal year 2002-03. (Reference No. 20030415-004) Copy: Supervisor Daly (36)

From Allen Wright, requesting the Board postpone their pay increase until better economic times. Copy: Each Supervisor (37)

From Daly City Council member Michael Guingona, submitting request that funding be restored to Fil-Am Senior Opportunities Service Center. Copy: Each Supervisor (38)

From concerned citizens, submitting support for an Environmental Impact Report for proposed legislation regarding Secondary Units. File 030896 (39)

From SF Hispanic Chamber of Commerce, submitting opposition to the Planning Commission's decision approving Conditional Use on property located at 3725 Buchanan Street. File 030956. Copy: Each Supervisor (40)

From E. David Ellington, submitting support for proposed Charter amendment to enact new Conflict of Interest provisions, to make technical changes, to move various provisions into ordinances, and to clarify existing provisions. File 030681. Copy: Rules Committee (41)

From Garrett Jenkins, urging the Mayor and Board of Supervisors to oppose resolution by Governor Gray Davis to eliminate from the Ralph M. Brown Act the mandate that regional and local governing bodies post meaningful agendas of their meetings at least 72 hours in advance. Copy: Each Supervisor (42)

From Fire Department, regarding the Civil Grand Jury's task with determining the measure and scope of San Francisco's disaster preparedness. Copy: Supervisors Daly, Peskin, Maxwell, Ma, Gonzalez (43)

From Department of Aging and Adult Services, responding to request to compile a list of all the services and benefits available to city employees when they need time off to care for elderly parents. (Reference No. 20030506-006) Copy: Supervisor Hall (44)

From concerned citizens, urging the Board of Supervisors to secure funding for the Tenderloin Sidewalk Improvement Program. Copy: Budget Committee, Each Supervisor (45)

From State Senate Rules Committee, submitting appointment of Nancy Sutley to the State Water Resources Control Board, term ending January 15, 2005. (46)

From concerned citizens, submitting support for the Care not Cash program. File 030848 (47)

From Planning Department, submitting notification of environmental review for Third Street between Islais Creek and Paul Avenue (Third Street Interim Land Use Controls). (48)

From Archibald Wilson, urging the Board of Supervisors to amend the Charter to give control of the Police Commission to the Supervisors. (49)

From Department of Public Health, submitting annual list of membership organizations for fiscal year 2003-04. (50)

**031188 [Petitions and Communications]**

Petitions and Communications received from June 17, 2003 through June 30, 2003, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on July 8, 2003. Part 2

From concerned citizens, submitting support for an enhancement and not a reduction to the Department of Building Inspection budget. (51)

From Office of the Public Defender, submitting sole source contract for fiscal year 2002-03. (52)

From SF Unified School District, submitting resolution urging the Board to reallocate City funds to support school counselors and for renegotiations of school resources. Copy: Each Supervisor (53)

From Department of the Environment, regarding the impact of budget cuts in fiscal year 2003-04. (54)

From Clerk of the Board, submitting information regarding the Diversity Tracking System for fiscal year 2002-03, in accordance with Administrative Code Section 12D.A.18(D). (55)

From Clerk of the Board of Supervisors Office, submitting list of all sole source contracts entered into during the past fiscal year. (56)

From SF Redevelopment Agency, regarding (Ordinance No. 030637), removal of debt incurred deadlines from the Golden Gateway, Rincon Point-South Beach, Western Addition A-2 and Yerba Buena Center redevelopment plans, pursuant to Senate Bill 211. Copy: Each Supervisor (57)

From concerned citizens, regarding Urban Pioneer Experiential Academy High School in San Francisco. (58)

From Lori Jones, submitting support for continued funding of the Neighborhood Emergency Response Team (NERT) training program taught by Fire Department personnel. (59)

From Department of Parking and Traffic, submitting annual report for fiscal year 2001-02. (60)

From Department of Elections, submitting notice that the total cost of adding a "Declaration of Policy" to the San Francisco ballot could potentially range from a low of \$11,300 to a high of \$50,600. Copy: Rules Committee (61)

From Department of the Navy, submitting notice that the final environmental impact statement (FEIS) for "The Disposal and Reuse of Naval Station Treasure Island" was distributed to various federal, state and local agencies on June 27, 2003 for public review and comment. (62)

From the City Non-Profit Contracting Task Force, submitting report responding to the 2000-01 Civil Grand Jury report that reviewed City contracting procedures. (63)

From Budget Analyst, submitting copy of letter sent to the Controller regarding schedule of management audit for the Controller's Office. (64)

From Ted Mackay, regarding his experience on public transportation in San Francisco. (65)

From Roger Williams, submitting support for the proposed ordinance to prohibit sub-surface development at the Ferry Park site on Drumm Street between Clay and Washington Streets. (66)

From Charles Minster, submitting letter regarding transit of Palestine Medical Relief Services. (67)



From Bill Madden, commenting on San Francisco's Rent Control Ordinance. (68)

From Marilyn Amini, regarding the Sunshine Ordinance mandate that members of the public be given the opportunity to directly address a policy body, on items of interest considered at said policy body's public meeting, for up to three minutes. (69)

From Eula Walters, commenting on various subjects. (70)

From SF County Transportation Authority, submitting Expenditure Plan and Sales Tax Reauthorization Draft Environmental Impact Report dated June 2003. Copy: Each Supervisor (71)

From Clerk of the Board, submitting copy of letter sent to Supervisor Daly regarding Conditional Use appeal for property located at 270-284 Valencia Street. (72)

From Recreation and Park Department, submitting report regarding the implementation plan for the Childhood Lead Poisoning Prevention Program, fiscal year 2002-03. Copy: Supervisors Maxwell, Daly (73)

From Fire Department, submitting notice of annual inspection of Park Police Station at 550 Kezar Drive relating to fire and life safety. (74)

From Department of Public Works, submitting notice that appellants' signatures with respect to the south side of the 3400 Block of 19th Street represents owners of more than 20% of the area involved and are therefore sufficient for appeal. File 030553 (75)

From Human Services Commission, submitting notice that during fiscal year 2002-03 the Human Services Commission did not receive any grant up to \$5,000 in value on behalf of the City and County of San Francisco. (76)

From Alice Devine, submitting support for appeal granting the Secondary Units Legislation, a Statutory Exemption from the California Environmental Quality Act. File 030896 (77)

From Department of Administrative Services, regarding sport utility vehicles in use by departments whose general purpose fleets are maintained by the Department of Administrative Services. Copy: Budget Committee (78)

From Department of Human Services, submitting request for waiver of Chapters 12B and 12C of the Administrative Code for EDS Corp. (79)

From Board of Appeals, submitting list of sole source contracts entered into in fiscal year 2003-04. Copy: Sunshine Ordinance Task Force (80)

From Department of Public Health, submitting list of proposed service reductions in the Department of Public Health for fiscal year 2003-04. Copy: Budget Committee (81)

From Muni, submitting request for waiver of Chapters 12B and 12C of the Administrative Code for GE Transportation Parts LLC. (82)

From Pillsbury Winthrop, regarding expansion of Saint Mary's square, amendment to Article B of the Planning Code, and acceptance of a gift of \$1,000,000 to the Mayor's Office of Housing. Files 031098, 031099, 031100 (83)

From Pillsbury Winthrop, submitting Final Environmental Impact Report and CEQA Negative Declaration for the 500 Pine Street Project. (84)

## ADJOURNMENT

### Legislation Pending Under the "30 Day Rule"

These items may not be heard by Committee until the date in the right hand column.

As Revised

July 2, 2003

Rule 5.40 provides that when an ordinance or resolution is introduced which would **create or revise major city policy**, the committee to which the legislation is assigned shall not consider the legislation until at least thirty days after the date of introduction. The provisions of this rule shall not apply to the routine operations of the departments of the City or when a legal time limit controls the hearing timing. In general the rule shall not apply to hearings to consider subject matter when no legislation has been presented, nor shall the rule apply to resolutions which simply **urge** action to be taken.

Ordinance amending SF Police Code Article 27 and Article 29 providing for licensing and regulation of massage practitioners and businesses	030995	City Services Committee	Supervisor Daly	6/3/03	7/3/03
Ordinance amending Planning Code Section 130 requirements for lot line selection for vacant lots abutting two or more streets	030999	Land Use Committee	Supervisor McGoldrick	6/3/03	7/3/03
Ordinance amending the Planning Code establish the Northeast Waterfront Special Sign District	031034	Land Use Committee	Supervisor Peskin	6/3/03	7/3/03
Ordinance amending Planning Code 204.1 prohibiting the sale or storage of alcohol as an accessory use in dwellings in R or NC Districts	031059	Land Use Committee	Supervisor Ma	6/10/03	7/10/03
Ordinance amending Police Code 4302 and 4303 to define harassment	031105	City Service Committee	Supervisors Peskin, Ma, Maxwell, Daly, Ammiano, Duffy Gonzalez, Hall	6/17/03	7/17/03
Ordinance amending Planning Code creating Divisadero Street Alcohol Restricted Use District	031151	Land Use Committee	Supervisor Gonzalez	6/24/03	7/24/03
Ordinance amending Administrative Code to provide for appeals of certain environmental determinations	031152	Land Use Committee	Supervisor Peskin	6/24/03	7/24/03

Board of Supervisors  
City and County of San Francisco  
1 Dr. Carlton B. Goodlett Place-Room 244  
San Francisco, CA 94102-4689

# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO AGENDA



DOCUMENTS DEPT.

JUL 11 2003

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Legislative Chamber - Second Floor  
City Hall, 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

Tuesday, July 15, 2003 2:00 PM

## Regular Meeting

MATT GONZALEZ, PRESIDENT  
TOM AMMIANO, CHRIS DALY, BEVAN DUFTY, TONY HALL,  
FIONA MA, SOPHIE MAXWELL, JAKE McGOLDRICK,  
GAVIN NEWSOM, AARON PESKIN, GERARDO SANDOVAL

Gloria L. Young, Clerk of the Board

Agendas of the Board of Supervisors are available on the internet at [www.ci.sf.ca.us/bdsuprvr](http://www.ci.sf.ca.us/bdsuprvr)

## BOARD COMMITTEES

### Committee Membership

#### **Budget Committee**

Supervisors Daly, Peskin, Maxwell, Ma, Gonzalez

#### **City and School District Select Committee**

Supervisors Maxwell, Ammiano, Ma, Commissioners Cruz, Sanchez, Kelly

#### **City Services Committee**

Supervisors Dufty, Ma, Newsom

#### **Finance and Audits Committee**

Supervisors Peskin, Sandoval, McGoldrick

#### **Land Use Committee**

Supervisors McGoldrick, Maxwell, Ammiano

#### **Rules Committee**

Supervisors Hall, Dufty, Gonzalez

### Meeting Days

Thursday

1:00 PM

2nd Monday, bi-monthly

Thursday

9:30 AM

Wednesday

12:30 PM

Monday

1:00 p.m.

Wednesday

9:30 AM

## Board Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4) standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

Agenda are available on the internet at [www.sfgov.org/bdsupvrs.bos.htm](http://www.sfgov.org/bdsupvrs.bos.htm).

THE AGENDA PACKET IS AVAILABLE AT CITY HALL, ROOM 244, RECEPTION DESK.

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 557-4293.

Results of each Board meeting can be obtained about a half hour after the end of the meeting by telephoning (415) 554-5555.

Requests for language translation at a meeting must be received no later than noon the Friday before the meeting. Contact Ohn Myint at (415) 554-7704.

AVISO EN ESPAÑOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia del viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

**翻譯 必須在會議前最少四十八小時提出要求**  
**請電 (415) 554-7701**

## Disability Access

The Legislative Chamber of the Board of Supervisors is in Room 250 of City Hall, 1 Dr. Carlton B. Goodlett Place. The Chamber is wheelchair accessible.

The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex.

All meetings are real-time captioned and are cablecast open-captioned on SF Cable 26.

The following services are available when requests are made by 4:00 p.m. of the Friday before the Board meeting. This advance notice will help ensure availability.

- For American Sign Language interpreters or use of a reader during a meeting, contact Ohn Myint at (415) 554-7704.

- For a large print copy of agenda or minutes in alternative formats, contact Annette Lonich at (415) 554-7706.

Assistive listening devices are available from the receptionist in the Clerk of the Board's Office, Room 244, prior to the meeting.

The Clerk of the Board's Office TTY number is (415) 554-5227.

In order to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

### **Know Your Rights Under the Sunshine Ordinance**

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Donna Hall by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at Donna.Hall@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Ms. Hall or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine.htm>

### **Lobbyist Registration and Reporting Requirements**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site [www.sfgov.org/ethics](http://www.sfgov.org/ethics)

## ROLL CALL AND PLEDGE OF ALLEGIANCE

## APPROVAL OF MEETING MINUTES

## AGENDA CHANGES

## COMMUNICATIONS

*Note: Each item on the Consent or Regular agenda may include the following documents:*

- 1) Legislation*
- 2) Budget Analyst report*
- 3) Legislative Analyst report*
- 4) Department or Agency cover letter and/or report*
- 5) Public correspondence*

*These items will be available for review at City Hall, Room 244, Reception Desk.*

## CONSENT AGENDA

*All matters listed hereunder constitute a Consent Agenda, are considered to be routine by the Board of Supervisors and will be acted upon by a single roll call vote of the Board. There will be no separate discussion of these items unless a member of the Board so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.*

### Items 1 through 6

### Recommendations of Finance and Audits Committee

*Present: Supervisors Peskin, Sandoval, McGoldrick*

1. 030884 [Lease of Real Property]  
Resolution authorizing a lease renewal at 44 Gough Street for the Department of Human Resources.  
(Real Estate Department)  
(Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

2. 031017 [Lease of Real Property]  
Resolution authorizing a lease of approximately 51,119 square feet of space at 1650 Mission Street for the Department of Human Services for a term of five years.  
(Real Estate Department)  
(No fiscal impact; Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?



**3. 031018 [Lease of Real Property]**

Resolution authorizing a lease of approximately 13,706 square feet of space at 1650 Mission Street for the Department of Building Inspection for a term of five years.  
(Real Estate Department)  
(Public Benefit Recipient.)

**Question: Shall this Resolution be ADOPTED?**

*Present: Supervisors Peskin, McGoldrick*

**4. 031120 [Contracting Out Airport Information Booth Services]**

Resolution approving the Controller's Certification that Airport Information Booth Services at San Francisco International Airport can practically be performed by private contractor at a lower cost than if work were performed by City employees at currently budgeted.  
(Airport Commission)  
(Public Benefit Recipient.)

**Question: Shall this Resolution be ADOPTED?**

**5. 031121 [Contracting Out Shuttle Bus Service]**

Resolution approving the Controller's certification that shuttle bus service for San Francisco International Airport's Long-Term Parking Lot, the employee garage and surface Lot DD can practically be performed by private contractor at a lower cost than if work were performed by City and County employees.  
(Airport Commission)  
(Public Benefit Recipient.)

**Question: Shall this Resolution be ADOPTED?**

*Present: Supervisors Peskin, Sandoval, McGoldrick*

**6. 031122 [Modification to the Professional Services Agreement for Construction Management Services for the AirTrain System at SFO]**

Resolution approving Modification No. 8, the Close-out Modification, of Professional Services Agreement for Contract No. 5700CM – Construction Management Services for the AirTrain System with PGH Wong Engineering/Luster Construction Management, in the amount of \$650,000, for a new total contract amount of \$33,497,367.  
(Airport Commission)  
(Public Benefit Recipient.)

**Question: Shall this Resolution be ADOPTED?**

*Questions on the Consent Agenda are on final passage, first reading, or adoption, as indicated: \_\_\_\_\_*

## REGULAR AGENDA

## UNFINISHED BUSINESS

### Recommendations of the Budget Committee

*Present: Supervisors Daly, Peskin, Maxwell, Ma, Gonzalez*

7. 030803 [Appropriation - \$6,000,000 for the Public Education Programs]  
**Supervisors Daly, Ma, Dufty**  
Ordinance appropriating \$2,000,000 of Delinquent Payroll Tax Revenue and \$4,000,000 from the State Revenue Stabilization Reserve for a total of \$6,000,000 for public education programs for fiscal year 2002-03.  
(Fiscal impact; Supervisors Peskin and Maxwell dissenting in committee.)
- 5/20/2003, CONTINUED. Continued to July 8, 2003  
7/8/2003, CONTINUED. Continued to July 15, 2003  
Question: Shall this Ordinance be **FINALLY PASSED?**
8. 030916 [Imposing permit fee surcharge on permits subject to appeal before the Board of Appeals]  
**Supervisors Peskin, Daly**  
Ordinance amending the Administrative Code by adding a new Article 10G, imposing a surcharge on permits issued by the Department of Building Inspection, the Taxi Commission, the Police Department and the Department of Public Works, and imposing a surcharge on fees imposed by the Planning Department for review of permits where such permits are subject to appeal before the Board of Appeals.
- 6/3/2003, SUBSTITUTED. Supervisor Peskin submitted a substitute ordinance bearing same title.  
7/8/2003, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.  
7/8/2003, PASSED ON FIRST READING AS AMENDED.  
Question: Shall this Ordinance be **FINALLY PASSED?**
- Present: Supervisors Daly, Peskin, Ma, Gonzalez*
9. 030980 [Establishing an Administrative Services Vehicle Leasing Program Fund]  
**Mayor, Supervisor Peskin**  
Ordinance amending the San Francisco Administrative Code by adding Section 10.100-9, to establish an Administrative Services Vehicle Leasing Program Fund.  
(Mayor)
- 7/8/2003, PASSED ON FIRST READING.  
Question: Shall this Ordinance be **FINALLY PASSED?**

*Present: Supervisors Daly, Peskin, Maxwell, Ma, Gonzalez*

10. 030982 [Setting Controller's fees for issuing a property tax certificate or a replacement W-2 form]  
Mayor  
Ordinance amending the San Francisco Administrative Code by adding Section 8.41. to authorize the Controller to collect a fee of \$40 for issuing a property tax certificate under Government Code Section 66492 and a fee of \$20.00 for issuing a replacement W-2 form.  
(Mayor)

7/8/2003, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

*Present: Supervisors Daly, Peskin, Gonzalez*

11. 030986 [Patient Rates, Fiscal Year 2003-04]  
Mayor  
Ordinance amending Section 128 of the San Francisco Health Code to revise selective patient rates for Mental Health services furnished by the Department of Public Health, retroactive to July 1, 2003.  
(Mayor)

7/8/2003, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

*Present: Supervisors Daly, Peskin, Maxwell, Ma, Gonzalez*

- 11a. 030991 [Establishing Parking Meter and Permit Parking Areas --Recreation and Park Property]  
Mayor  
Ordinance amending the Traffic Code by adding Sec. 201.5 to establish Parking Meter Area Number Five; amending Sec. 201 to authorize the General Manager of the Recreation and Park Department to establish parking meter zones within Parking Meter Area Five subject to approval of the Recreation and Park Commission; amending Sec. 203.6 to set Parking Meter Rates in Parking Meter Area Number Five and to authorize the Recreation and Park Commission to reduce the meter rate not more than 50% lower than that set by the Board of Supervisors; amending Sec. 213 to provide that monies collected from meters located on park land be credited to an account for use by the Recreation and Park Department; adding Park Code Article 14 to establish permit parking on Park Property; and amending Park Code Sec. 6.10 to provide for penalties for violating Article 14.  
(Mayor)  
(Supervisor Peskin dissenting in Committee.)

7/8/2003, CONTINUED. Continued to July 15, 2003

Question: Shall this Ordinance be FINALLY PASSED?

12. 030988 [Setting Administrative Fee for Tow of Vehicles]  
Mayor  
Ordinance approving administrative fee of \$194 pursuant to Traffic Code Section 170.2-A for police costs for towing of vehicles.  
(Mayor)

7/8/2003, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

## REGULAR AGENDA

## UNFINISHED BUSINESS

### Recommendations of the Budget Committee

*Present: Supervisors Daly, Peskin, Maxwell, Ma, Gonzalez*

7.        030803    **[Appropriation - \$6,000,000 for the Public Education Programs]**  
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Ordinance appropriating \$2,000,000 of Delinquent Payroll Tax Revenue and \$4,000,000 from the State Revenue Stabilization Reserve for a total of \$6,000,000 for public education programs for fiscal year 2002-03.  
(Fiscal impact; Supervisors Peskin and Maxwell dissenting in committee.)

5/20/2003, CONTINUED. Continued to July 8, 2003

7/8/2003, CONTINUED. Continued to July 15, 2003

**Question: Shall this Ordinance be FINALLY PASSED?**

8.        030916    **[Imposing permit fee surcharge on permits subject to appeal before the Board of Appeals]**  
**Supervisors Peskin, Daly**  
Ordinance amending the Administrative Code by adding a new Article 10G, imposing a surcharge on permits issued by the Department of Building Inspection, the Taxi Commission, the Police Department and the Department of Public Works, and imposing a surcharge on fees imposed by the Planning Department for review of permits where such permits are subject to appeal before the Board of Appeals.

6/3/2003, SUBSTITUTED. Supervisor Peskin submitted a substitute ordinance bearing same title.

7/8/2003, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

7/8/2003, PASSED ON FIRST READING AS AMENDED.

**Question: Shall this Ordinance be FINALLY PASSED?**

*Present: Supervisors Daly, Peskin, Ma, Gonzalez*

9.        030980    **[Establishing an Administrative Services Vehicle Leasing Program Fund]**  
**Mayor, Supervisor Peskin**  
Ordinance amending the San Francisco Administrative Code by adding Section 10.100-9, to establish an Administrative Services Vehicle Leasing Program Fund.  
(Mayor)

7/8/2003, PASSED ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

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Mayor  
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(Mayor)

7/8/2003, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

*Present: Supervisors Daly, Peskin, Gonzalez*

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Mayor  
Ordinance amending Section 128 of the San Francisco Health Code to revise selective patient rates for Mental Health services furnished by the Department of Public Health, retroactive to July 1, 2003.  
(Mayor)

7/8/2003, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

*Present: Supervisors Daly, Peskin, Maxwell, Ma, Gonzalez*

- 11a. 030991 [Establishing Parking Meter and Permit Parking Areas --Recreation and Park Property]  
Mayor  
Ordinance amending the Traffic Code by adding Sec. 201.5 to establish Parking Meter Area Number Five; amending Sec. 201 to authorize the General Manager of the Recreation and Park Department to establish parking meter zones within Parking Meter Area Five subject to approval of the Recreation and Park Commission; amending Sec. 203.6 to set Parking Meter Rates in Parking Meter Area Number Five and to authorize the Recreation and Park Commission to reduce the meter rate not more than 50% lower than that set by the Board of Supervisors; amending Sec. 213 to provide that monies collected from meters located on park land be credited to an account for use by the Recreation and Park Department; adding Park Code Article 14 to establish permit parking on Park Property; and amending Park Code Sec. 6.10 to provide for penalties for violating Article 14.  
(Mayor)  
(Supervisor Peskin dissenting in Committee.)

7/8/2003, CONTINUED. Continued to July 15, 2003

Question: Shall this Ordinance be FINALLY PASSED?

12. 030988 [Setting Administrative Fee for Tow of Vehicles]  
Mayor  
Ordinance approving administrative fee of \$194 pursuant to Traffic Code Section 170.2-A for police costs for towing of vehicles.  
(Mayor)

7/8/2003, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?



**Recommendations of the Land Use Committee**

*Present: Supervisors McGoldrick, Maxwell, Ammiano*

15.      021586      **[Acceptance of Street for Maintenance Purposes]**  
Ordinance accepting for maintenance purposes Illinois Street from 25th Street to Marin Street, subject to specified limitations, pursuant to California Streets and Highways Code section 1806, San Francisco Administrative Code section 1.52, and Department of Public Works Order No. 173,794.  
(Public Works Department)  
(No fiscal impact; No Public Benefit Recipient.)

7/8/2003, PASSED ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

16.      030678      **[Prohibiting subsurface development on property adjacent to the Embarcadero, owned by the City and dedicated as open space]**  
**Supervisor Peskin**  
Ordinance prohibiting subsurface development on certain real property located at Drumm Street, between Clay and Washington Streets, described generally as Assessor's Block 202, Lots 6, 14 and a portion of 15, and a portion of Block 203, Lot 14, partial jurisdiction over which has previously been transferred from the Department of Public Works to the Recreation and Park Commission, and transferring to the Recreation and Park Commission the subsurface area of property previously transferred.

7/8/2003, PASSED ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

## Recommendations of the Rules Committee

*Present: Supervisors Hall, Gonzalez*

17.        030652    **[Amendments to the Municipal Elections Code]**

Ordinance amending the Municipal Elections Code to amend Sections 110, 200, 250, 260, 300, 360, 370, 500, 510, 530, 535, 550, 590, 595, and 800, add Sections 225 and 270, and delete Section 930 to: conform the Municipal Elections Code to recent changes in the Charter; change the deadlines for submission of materials for publication in the Voter Information Pamphlet; specify the public examination periods for each category of material submitted for publication in the Voter Information Pamphlet; modify the deadlines for delivery of the Voter Information Pamphlet prior to each general and special election; specify language for inclusion in the Voter Information Pamphlet concerning ballot measures which concern the same subject matter and which may have conflicting provisions; explicitly incorporate the State law that applies to local ballot designations; explicitly state the rules concerning ballot printing after the death of a candidate; impose a 100-word limit on bond measure statements; add definitions; correct outdated code references; codify departmental practice; and clarify ambiguous language.  
(Elections Department)

7/8/2003. AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

7/8/2003. PASSED ON FIRST READING AS AMENDED.

**Question: Shall this Ordinance be FINALLY PASSED?**

18.        030994    **[Filing Electronic Copies of Campaign Statements]**

**Supervisor Ammiano**

Ordinance amending Article I, Chapter 3 of the Campaign and Governmental Conduct Code, by amending Sections 1.305, 1.310 and 1.315, and adding Section 1.312, to require political committees to file electronic copies of supplemental independent expenditure reports that must be filed on paper with the Commission; authorize the Ethics Commission to require political committees to file electronic copies of any other campaign disclosure statements that must be filed on paper with the Commission; require political committees to continue to file electronic copies of campaign disclosure statements, regardless of the committee's level of financial activity, until the committee files a statement of termination; eliminate redundant definitions; and increase the late filing fine from \$10 per day to \$25 per day.

7/8/2003. PASSED ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

*Present: Supervisors Hall, Dufty, Gonzalez*



**19. 030740 [Amending Rule 4.29 at Board of Supervisors meetings]  
Supervisor Gonzalez**

Motion amending Rule 4.29 of the Rules of Order of the Board of Supervisors to provide that at meetings of the Board of Supervisors the recognition of public dignitaries may occur at anytime, and the recognition of commendations shall occur at 3:30 p.m.

6/10/2003, CONTINUED. Continued to June 17, 2003

6/17/2003, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Amendment of the Whole bearing new title.

6/17/2003, CONTINUED AS AMENDED. Continued to July 15, 2003

**Question: Shall this Motion be ADOPTED?**

**20. 031101 [Adding Rule 1.10 to the Rules of Order]  
Supervisors Gonzalez, Dufty**

Motion adding Rule 1.10 to the Rules of Order of the Board of Supervisors to provide that Supervisors, and the Mayor, are urged to submit to the Board of Supervisors for public hearing all proposed ballot measures that four or more Supervisors, or the Mayor, are planning to submit directly to the voters, including general obligation or revenue bond measures under sections 9.106 and 9.107 of the City Charter; and urging the circulators of initiative ballot measures to participate in public hearings on their measures at the Board of Supervisors.

(No fiscal impact.)

7/8/2003, CONTINUED. Continued to July 15, 2003

**Question: Shall this Motion be ADOPTED?**

**21. 030632 [Ballot Measures Submitted by the Board of Supervisors, Four or More of its Members, or the Mayor]  
Supervisors Newsom, Hall**

Charter amendment (Third Draft) to amend 2.113 and 3.100 to provide that any proposed ordinance or declaration of policy submitted to the Director of Elections by the Board of Supervisors, by four or more of its members, or by the Mayor, must be submitted to the Board of Supervisors no later than 45 days before the deadline for submission of the measure to the Director of Elections, and to require that the Board of Supervisors hold a hearing on the proposed ordinance or declaration of policy and on any amendment thereto no later than 30 days before the deadline for submission of the measure to the Director of Elections, provided that failure of the Board of Supervisors to hold a hearing on a measure submitted by less than the full Board of Supervisors or by the Mayor shall not preclude submission of the measure to the voters.

(No fiscal impact.)

5/13/2003, SUBSTITUTED. Supervisor Newsom submitted a substitute Charter amendment bearing new title.

7/8/2003, CONTINUED. Continued to July 15, 2003

**Question: Shall this Charter Amendment be SUBMITTED?**

22. 020938 [Charter Amendment - Retirement Benefits for Miscellaneous Safety Employees]  
Supervisors Annunzio, Gonzalez, Newsom, Dufty  
Charter Amendment (Seventh Draft) to amend Appendix A8.506-2 thereto, relating to retirement benefits for miscellaneous safety employees.  
6/18/03 Amendment of the whole bearing same title.
- 7/15/2002, CONTINUED. Continued to July 22, 2002.  
7/22/2002, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.  
7/22/2002, RE-REFERRED to Rules and Audits Committee.
- 3/18/2003, SUBSTITUTED. Supervisor Annunzio submitted a substitute Charter Amendment (Fifth Draft) bearing same title.  
4/29/2003, CONTINUED. Continued to May 6, 2003  
5/6/2003, CONTINUED. Continued to May 20, 2003  
Supervisor Newsom requested to be added as a co-sponsor.  
5/20/2003, CONTINUED. Continued to June 10, 2003  
6/10/2003, AMENDED.  
6/10/2003, RE-REFERRED to Rules Committee.
- 7/8/2003, CONTINUED. Continued to July 15, 2003  
**Question: Shall this Charter Amendment be SUBMITTED?**
23. 030812 [Charter Amendment - Designating the Controller as City Services Auditor]  
Supervisors McGoldrick, Peskin, Ma, Dufty, Maxwell  
Charter amendment (Fifth Draft) to amend Section 3.105 and to add Appendix F to designate the Controller as the City Services Auditor, establish duties for that function, and set aside two-tenths of one percent of the City's annual budget for a Controller's Audit Fund.  
(Fiscal impact.)
- 5/20/2003, SUBSTITUTED. Supervisor McGoldrick submitted a substitute Charter amendment bearing new title.  
6/3/2003, SUBSTITUTED. Supervisor McGoldrick submitted a substitute Charter Amendment (Third Draft) bearing new title.
- 7/8/2003, CONTINUED. Continued to July 15, 2003  
**Question: Shall this Charter Amendment be SUBMITTED?**
24. 030741 [Charter Amendment - Commission on the Environment]  
Supervisors Maxwell, Gonzalez, Sandoval  
Charter Amendment (First Draft) to amend Section 4.118 to clarify the jurisdiction of the San Francisco Commission on the Environment.
- 6/24/2003, CONTINUED. Continued to July 8, 2003  
7/8/2003, CONTINUED. Continued to July 15, 2003  
**Question: Shall this Charter Amendment be SUBMITTED?**

**From the Rules Committee With Recommendation "Do Not Submit"**

*Present: Supervisors Hall, Dufy, Gonzalez*

25. 030865 [Charter Amendment -Transferring the Police Department's functions, assets and operations to the Sheriff]

**Supervisor Daly**

Charter amendment (Third Draft) to amend Section 6.105 and providing for the repeal of Section 4.109, to transfer the Police Department's functions, assets and operations to the Sheriff.

5/20/2003, SUBSTITUTED. Supervisor Daly submitted a substitute Charter amendment bearing new title.

7/8/2003, CONTINUED. Continued to July 15, 2003

**Question: Shall this Charter Amendment be SUBMITTED?**

26. 030866 [Charter Amendment - Establishing an Elected Rent Board]

**Supervisor Daly**

Charter amendment (Second Draft) to add a new Article VIA to establish an elected San Francisco Residential Rent Stabilization and Arbitration Board that would replace the existing appointed Rent Board.

7/8/2003, CONTINUED. Continued to July 15, 2003

**Question: Shall this Charter Amendment be SUBMITTED?**

**From the Rules Committee "Without Recommendation"**

*Present: Supervisors Hall, Dufy, Gonzalez*

27. 030859 [Charter Amendment - Police Commission; Office of Citizen Complaints; Police Misconduct]  
**Supervisors Ammiano, McGoldrick, Gonzalez**

Charter amendment (Second Draft) to amend the Charter of the City and County by amending Sections 4.109, 4.127, A8.343 and A8.344, governing the appointment and removal of Police Commissions, the terms of the commissioners, authorizing the director of the OCC to file disciplinary charges, and other disciplinary provisions.

(Supervisor Hall dissenting in Committee.)

7/8/2003, CONTINUED. Continued to July 15, 2003

**Question: Shall this Charter Amendment be SUBMITTED?**

28. 030848 [General Assistance-In-kind Assistance]  
Supervisors Newson, Duffy, Sandoval, McGoldrick, Peskin  
Ordinance modifying the City's General Assistance (GA) Program by amending San Francisco Administrative Code Sec. 20.57 to reflect the current grant amount; amending Administrative Code Sec. 20.59.3 to provide in-kind housing, utilities and meals to homeless applicants and recipients; amending Administrative Code Sec. 20.57.1 to value housing, utilities and meals provided to homeless recipients as in-kind assistance; adding Administrative Code Sec. 20.57.6A. to provide a special needs allowance to homeless recipients; adding Administrative Code Sec. 20.60.12 to establish a baseline GA budget; adding Administrative Code Sec. 20.60.13 to require a Controller's evaluation; adding Administrative Code Sec. 20.60.14 to establish an operative date for these amendments of on or before July 1, 2003.

7/8/2003, CONTINUED. Continued to July 15, 2003

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

29. 030871 [General Assistance - In- Kind Assistance]  
Supervisors Daly, Ma, Maxwell  
Ordinance amending Administrative Code sections 20.57, 20.59.3, and 20.57.1; adding Administrative Code sections 20.57.6A., 20.60.12, Sec. 20.60.13, and 20.60.14.

7/8/2003, PASSED ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

## NEW BUSINESS

### Recommendations of the Budget Committee

*Present: Supervisors Daly, Peskin, Maxwell, Ma, Gonzalez*

**30. 030786 [Annual Budget, Fiscal Year 2003-04]  
Mayor**

Motion approving Annual Budget for City and County of San Francisco for Fiscal Year 2003-2004.  
(Mayor)

(Charter Section 9.100 provides the Board shall not adopt the Budget earlier than July 15, 2003 nor later than August 1, 2003.)

**Question: Shall this Motion be ADOPTED?**

**31. 030787 [Government Funding, Fiscal Year 2003-04]**

Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures for the City and County of San Francisco for fiscal year ending June 30, 2004.

(Mayor)

(Charter Section 9.100 provides the Board shall not adopt the Budget earlier than July 15, 2003 nor later than August 1, 2003.)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

**32. 030788 [Public Employment, Fiscal Year 2003-04]**

Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the Fiscal Year ending June 30, 2004, continuing, creating or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefor.

(Human Resources Department)

(Charter Section 9.100 provides the Board shall not adopt the Budget earlier than July 15, 2003 nor later than August 1, 2003.)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

**Recommendations of the Finance and Audits Committee**

*Present: Supervisors Peskin, Sandoval, McGoldrick*

**33. 021948 [Repealing Police Code Section 162 - Regulating Fortunetellers]  
Supervisor Peskin**

Ordinance repealing Section 162 of the San Francisco Police Code relating to advertising by fortunetellers; adding Sections 1300 to 1321 to the San Francisco Police Code requiring fortunetellers to obtain a permit, setting forth permit procedures, regulating business by prohibiting deceptive acts and requiring receipts, rate schedules, and identification cards, requiring permit number on advertisements, allowing license inspections, and setting forth the penalty for violations of these sections; and amending San Francisco Police Code Section 2.26 and 2.27 setting forth permit and license fees.

(Supervisor Sandoval dissenting in Committee.)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

**34. 030379 [CEQA Findings for Cruise Terminal Mixed-Use Project]**

Resolution adopting findings pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, including a statement of overriding considerations, in connection with the proposed mixed-use Cruise Terminal Project, located on Pier 30-32, a condominium tower on a portion of Seawall Lot 330, and a public open space project in the location of Pier 34 and 36, in the Port of San Francisco, City and County of San Francisco.

(Port)

**Question: Shall this Resolution be ADOPTED?**

**35. 031229 [Appropriating Funds for Brannan Street Wharf and Cruise Terminal Project at Piers 30-32]**

Ordinance appropriating \$9,324,000 in sales proceeds from the Seawall Lot 330 and \$20,376,000 from the condo sales proceeds for a total of \$29,700,000 for the development of the Brannan Street Wharf and the Pier 30-32 Cruise Terminal Project, for Port for fiscal year 2003-2004, placing \$29,700,000 on reserve by the Finance and Audits Committee.

(Port)

**Question: Shall this Ordinance be FINALLY PASSED?**

36. 030371 [Agreement to Sell approximately 22,600 sq. ft. of unimproved real property located at Beale and Bryant Streets and to Lease Piers 30-32 to San Francisco Cruise Terminal, LLC]  
Resolution approving and authorizing an Agreement with San Francisco Cruise Terminal, LLC for the Sale of approximately 22,600 square feet of real property located at the corner of Beale and Bryant Streets on Seawall Lot 330; approving and authorizing a 66-year Lease with San Francisco Cruise Terminal, LLC for Piers 30-32; adopting findings that the Sale is consistent with the City's General Plan and eight Priority Policies of City Planning Code Section 101.1; and authorizing the Port's Executive Director and the City's Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this Resolution.  
(Port)  
(Public Benefit Recipient; companion measure to File 030379.)

Question: Shall this Resolution be ADOPTED?

37. 030633 [Giving the Executive Director of the Department of Parking and Traffic Authority to Promulgate Regulations Regarding Parking Revenue Equipment]  
Supervisor Peskin  
Ordinance amending Section 4910 of the Police Code to vest authority to promulgate regulations regarding parking revenue equipment in the Executive Director of the Department of Parking and Traffic, instead of in the Tax Collector.

Question: Shall this Ordinance be FINALLY PASSED?

38. 031050 [Purchase of Property located at 201 Leland Avenue, San Francisco for the Public Library]  
Mayor, Supervisors Peskin, Sandoval  
Resolution authorizing the execution and performance of an Agreement of Purchase and Sale for Real Estate for the City purchase of real property and improvements located at 201 Leland Avenue, San Francisco subject to a short term lease with the Seller, for use as the Visitacion Valley Branch Library of the San Francisco Public Library; adopting findings under the California Environmental Quality Act; and adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1.  
(Mayor)  
(Fiscal impact; Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

**Recommendations of the Land Use Committee**

*Present: Supervisors McGoldrick, Maxwell, Ammiano*

39. 030040 [Planning Code Section 249.24 - Jackson Square Special Use District]  
Supervisor Peskin

Ordinance amending the Planning Code to add section 249.24 to establish the Jackson Square Special Use District, amending the Zoning Map Sectional Map No. 1 SU to show the boundaries of this District, requiring that within this District ground floor office use be subject to conditional use authorization as specified, requiring that within this District adult entertainment enterprises be prohibited, modifying the abandonment period for permitted conditional uses in this District, and making findings of consistency with the General Plan and priority policies of Planning Code section 101.1.

(Planning Commission Resolution Nos. 16577 and 16578 recommending approval of proposed legislation with modifications, dated May 8, 2003.)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

*Present: Supervisors McGoldrick, Maxwell*

40. 030909 [Street Artist Space Regulations]

Ordinance amending the San Francisco Police Code by amending Section 2405 to modify the street artist space regulations.  
(Arts Commission)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

41. 031019 [Mission Bay 16th/7th Street Jack and Bore Casing Improvements]

Ordinance accepting the irrevocable offer for the 16th/7th Street Jack and Bore Casing Improvements; designating said facilities for public use and maintenance purposes; adopting findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 174,027; and authorizing official acts in connection with this ordinance.  
(Public Utilities Commission)

(No Public Benefit Recipient; Findings of DPW Order No. 174027 dated June 9, 2003.)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**



42. 030940 [Vacation of easements in approximately 260 square foot portion of the N2 mid-block walkway (Assessor's Block 8706, Lot 2)]
- Resolution declaring the intention of the Board of Supervisors to vacate two (2) portions of the pedestrian ingress and egress easement and public utility easement in the N2 mid-block walkway (Assessor's Block 8706, Lot 2) within the Mission Bay North Redevelopment Project Area; setting the hearing date for August 19, 2003, at 4:00 P.M., for all persons interested in the proposed vacation of the easement areas; and adopting findings that the vacation is consistent with the City's General Plan, the eight priority policies of City Planning Code Section 101.1 and the Mission Bay North Redevelopment Plan; accepting DPW Order No. 174,111; and authorizing other official acts in connection with this Resolution.
- (Public Works Department)

Question: Shall this Resolution be ADOPTED?

43. 030947 [Mission Bay Street Vacation a portion of Berry Street at Sixth Street]
- Resolution declaring the intention of the Board of Supervisors to vacate a portion of Berry Street at Sixth Street within the Mission Bay North Redevelopment Project Area; setting the hearing date for August 19, 2003, at 4:00 P.M., for all persons interested in the proposed vacation of said street area; and adopting findings that the proposed vacation is consistent with the City's General Plan, the eight priority policies of City Planning Code section 101.1 and the Mission Bay North Redevelopment Plan.
- (Public Works Department)
- No Public Benefit Recipient; DPW Order No. 174,110.)

Question: Shall this Resolution be ADOPTED?

*Present: Supervisors McGoldrick, Maxwell, Ammiano*

44. 030197 [Supporting Senate Bill 915 and Senate Bill 916]
- Supervisors Newsom, Peskin**
- Resolution supporting Senate Bill 915 and Senate Bill 916, approving the Water Transit Authority's Implementation and Operations Plan, supporting allocation of new bridge toll revenue for the Port of San Francisco's downtown ferry facilities, and adopting a position supporting proposed amendments to Senate Bill 916 for the City and County of San Francisco.

2/11/2003, REFERRED to Land Use Committee.

Question: Shall this Resolution be ADOPTED?

### **From the Land Use Committee "Without Recommendation"**

*Present: Supervisors McGoldrick, Maxwell, Ammiano*

45. 031186 [Support Senate Bill 915]
- Supervisors Newsom, Peskin**
- Resolution supporting Senate Bill 915, approving the Water Transit Authority's Implementation and Operations Plan.

Question: Shall this Resolution be ADOPTED?

**SPECIAL ORDER 3:00 P.M.****Board of Supervisors Sitting as a Committee of the Whole**

46. 030681 [Charter Amendment-Ethics provisions to move various provisions into ordinances, to enact new provisions, to make technical changes, and to clarify ambiguities in existing provisions]  
Supervisor Ammiano  
Charter amendment (Fifth Draft) to amend Sections 4.108, 4.109, 15.100, 15.103, 15.105, 16.118 and Article XVII, deleting Sections 15.104, 15.106, 15.108, C8.105 and adding Section 18.115 and Appendix Sections C9.101, C9.102, C9.103, C9.104, C9.105, C9.106, C9.107, C9.108, C9.109, C9.110, C9.111, C9.112, C9.113, C9.114, C9.115, C9.116, C9.117, C9.118, C9.119, C9.120, C9.121, C9.122, C9.123, C9.124, C9.125, C9.126 and C9.127 to enact new conflict of interest provisions, to make technical changes, to move various provisions into ordinances, and to clarify existing provisions.
- 5/13/2003, SUBSTITUTED. Supervisor Ammiano submitted a substitute bearing new title.
- 7/8/2003, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.  
7/8/2003, CONTINUED AS AMENDED. Continued to July 15, 2003 with the Board Sitting as a Committee of the Whole.  
*COMMITTEE OF THE WHOLE RISE AND REPORT WITHOUT RECOMMENDATION*  
Question: Shall this Charter Amendment be SUBMITTED?
47. 030855 [Charter Amendment - Early retirement benefits to employees in classifications identified for layoffs due to the City's fiscal crisis]  
Charter amendment (Third Draft) to add Sections A8.401 and A8.522 to provide early retirement benefits to eligible employees.  
(Mayor)
- 7/8/2003, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.  
7/8/2003, CONTINUED AS AMENDED.  
Question: Shall this Charter Amendment be SUBMITTED?
48. 030857 [Charter Amendment - Retirement Benefits for District Attorneys, Public Defenders and Public Defender Investigators]  
Supervisors Gonzalez, Sandoval  
Charter amendment (Third Draft) to add Appendix A8.583 relating to retirement benefits for attorneys in the District Attorney's and Public Defender's offices and Public Defender Investigators.  
7/8/03 Amendment of the whole bearing same title.
- 7/8/2003, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.  
7/8/2003, CONTINUED AS AMENDED. Continued to July 15, 2003 with the Board Sitting as a Committee of the Whole.  
*COMMITTEE OF THE WHOLE RISE AND REPORT WITHOUT RECOMMENDATION*  
Question: Shall this Charter Amendment be SUBMITTED?

**SPECIAL ORDER 3:00 P.M.**

49. 030896 [Public Hearing - Appeal, Determination of Exemption of Environmental Review - Secondary Units Legislation]  
Hearing of persons interested in or objecting to the decision of the Planning Department Environmental Review Officer dated April 23, 2003, granting the Secondary Units Legislation (Board of Supervisors File No. 021598), a Statutory Exemption from the California Environmental Quality Act under State CEQA Statutes, Section 2108017; State CEQA Guidelines, Section 15282(i) and General Rule Exclusion (State CEQA Guidelines Section 15061(b)(3).  
(Appeal filed May 14, 2003 by Preserve our Neighborhood; May 20, 2003 by Bud Wilson; June 2, 2003 by Coalition for SF Neighborhoods; Planning Case No. 2002.0418E.)

6/17/2003, CONTINUED. Continued to July 15, 2003

Action: \_\_\_\_\_

*Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.*

**From the Clerk****(Only one of the following two motions should be adopted.)**

50. 030897 [Affirming the exemption/exclusion issued for Secondary Unit Ordinance]  
Motion affirming the determination by the Planning Department that the Secondary Unit Ordinance is exempt/excluded from environmental review under the California Environmental Quality Act.  
(Clerk of the Board)
51. 030898 [Disapproving the statutory exemption/exclusion issued for the Secondary Unit Ordinance]  
Motion disapproving the determination by the Planning Department that the Secondary Unit Ordinance is statutorily exempt/excluded from environmental review.  
(Clerk of the Board)

6/17/2003, CONTINUED. Continued to July 15, 2003

Question: Shall this Motion be ADOPTED?

6/17/2003, CONTINUED. Continued to July 15, 2003

Question: Shall this Motion be ADOPTED?

52. 030899 [Preparation of findings related to the exemption/exclusion appeal for Secondary Unit Ordinance]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the Secondary Unit Ordinance is exempt/excluded from the California Environmental Quality Act.  
(Clerk of the Board)

6/17/2003, CONTINUED. Continued to July 15, 2003

Question: Shall this Motion be ADOPTED?

**SPECIAL ORDER 3:00 P.M.**

53. 031134 [Public Hearing - Appeal, Conditional Use, 270-284 Valencia Street/17 Brosnan Street]  
Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No. 16579 dated May 15, 2003, approving Conditional Use Application No. 2002.0333C approving a conditional use authorization under (1) Planning Code Section 215, allowing the construction of 28 dwelling units in a C-M District; (2) Under Board of Supervisors' Resolution 500-02, allowing the construction of a housing project fewer than 25-percent below market rate units and; (3) Board of Supervisors' Resolution 500-02, allowing the demolition of a building in the Northeast Mission Industrial Zone that has contained Production, Distribution and Repair (PDR) businesses since August 5, 1999, on property located at 270-284 Valencia Street/17 Brosnan Street, west side of Valencia Street between 14th and Brosnan Streets; Lot 9, in Assessor's Block 3533.  
(Appeal filed June 24, 2003; Determined by the Planning Department to not have a significant effect on the environment pursuant to Negative Declaration adopted and issued on January 16, 2003, and prepared pursuant to the Guidelines of the State Secretary of Resources, Sections 15064 [Determining Significant Effect], 15065 [Mandatory Findings of Significance], and 15070 [Decision to Prepare a Negative Declaration]; companion measure to Files 031135, 031136, 031137, 031138; District 6.)

Action: \_\_\_\_\_

*Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.*

**From the Clerk****(Only one of the following two motions should be adopted.)**

54. 031135 [Appeal, Conditional Use - 270-284 Valencia Street/17 Brosnan Street]  
Motion approving decision of the Planning Commission by its Motion No. 16579, approving Conditional Use Application No. 2002.0333C on property located at 270-284 Valencia/17 Brosnan Street, and adopting findings pursuant to Planning Code Section 101.1.  
(Clerk of the Board)
- Question: Shall this Motion be ADOPTED?
55. 031136 [Appeal, Conditional Use - 270-284 Valencia Street/17 Brosnan Street]  
Motion disapproving decision of the Planning Commission by its Motion No. 16579, approving Conditional Use Application No. 2002.0333C on property located at 270-284 Valencia/17 Brosnan Street, and adopting findings pursuant to Planning Code Section 101.1.  
(Clerk of the Board)

Question: Shall this Motion be ADOPTED?

56. 031128 [Environmental Review - 270-284 Valencia Street/17 Brosnan Street]  
Motion certifying review of Final Mitigated Negative Declaration relating to proposed Conditional Use of property 270-284 Valencia Street/17 Brosnan Street.  
(Clerk of the Board)

Question: Shall this Motion be ADOPTED?

57. 031137 [Findings - 270-284 Valencia Street/17 Brosnan Street]  
Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2002.0333C on property located at 270-284 Valencia/17 Brosnan Street, for action by the Board at its next meeting.  
(Clerk of the Board)

Question: Shall this Motion be ADOPTED?

## COMMITTEE REPORTS

*Reports from committees, if any, recommending emergency or urgent measures.*

*The following items will be considered by the Budget Committee at a Regular Meeting on Thursday, July 10, 2003 at 1:00 p.m. The Chair intends to request the Committee to send the following items to the Board as a committee report.)*

### From the Budget Committee

**58. 030791 [Budget Hearing and Review, FY 2003-04]**

Motion approving the Annual Budget for San Francisco Airport for Fiscal Year 2003-2004.

(Charter Section 9.100 provides the Board shall not adopt the Budget earlier than July 15, 2003 nor later than August 1, 2003.)

**Question: Shall this Motion be ADOPTED?**

**59. 031183 [Government Funding-SF Airport, Fiscal Year 2003-04]**

Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures for the San Francisco Airport for fiscal year ending June 30, 2004.

(Charter Section 9.100 provides the Board shall not adopt the Budget earlier than July 15, 2003 nor later than August 1, 2003.)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

**60. 031184 [Public Employment-SF Airport, Fiscal Year 2003-04]**

Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the San Francisco Airport for Fiscal Year ending June 30, 2004, continuing, creating or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefor.

(Charter Section 9.100 provides the Board shall not adopt the Budget earlier than July 15, 2003 nor later than August 1, 2003.)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

61. 030903 [IHSS Provider Benefits Contract Approval San Francisco IHSS Public Authority]  
Supervisors Dufty, Newsom  
Resolution approving the contract between the City and County of San Francisco and San Francisco In-Home Supportive Services (IHSS) Public Authority for the provision of health and dental benefits to IHSS Independent Providers for the period of July 1, 2003 to June 30, 2006, in the amount of \$56,318,103.  
(Fiscal impact; No Public Benefit Recipient.)  
  
6/24/2003, REFERRED to Budget Committee.  
Question: Shall this Resolution be ADOPTED?
62. 030904 [Child Care Services Contract Approval - Children's Council of San Francisco]  
Supervisors Dufty, Newsom  
Resolution approving the contract between the City and County of San Francisco and the Children's Council of San Francisco to provide child care services, for the period from July 1, 2003 to June 30, 2006, in the amount of \$104,579,925.  
(Fiscal impact; No Public Benefit Recipient.)  
  
6/24/2003, REFERRED to Budget Committee.  
Question: Shall this Resolution be ADOPTED?

### From the Rules Committee

*The following item will be considered by the Rules Committee at a Regular Meeting on Wednesday, July 9, 2003 at 9:30 a.m. The Chair intends to request the Committee to send the following item to the Board as a committee report.*

63. 031185 [Appointment]  
Resolution appointing Phyllis Smith, term ending November 30, 2004, to the Ballot Simplification Committee.  
Phyllis Smith, succeeding Allyson Washburn, term expired, seat 3, must represent the League of Women Voters for the unexpired portion of a two year term ending November 30, 2004.  
  
Question: Shall this Resolution be ADOPTED?

### **64. ROLL CALL FOR INTRODUCTIONS**

*Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, letters of request to the City Attorney and Board Members' reports on their regional body activities.*



## 65. PUBLIC COMMENT

*An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes.*

## APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

*These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.*

### 66. 031204 [Legislative Analyst Request] Supervisor Gonzalez

Motion requesting the Legislative Analyst to describe current public restroom requirements for business of various sizes and uses for San Francisco and other major cities.

Question: Shall this Motion be ADOPTED?

## From the City Services Committee "Without Recommendation"

*Present: Supervisors Dufty, Newsom, McGoldrick*

67. 030737 [Preservation of Emergency Nature of Shelter; Prevention of Displacement, Prioritization, or Set-Asides of Shelter Beds Based Solely on Income]  
Supervisors McGoldrick, Daly  
Ordinance adding Article II to Chapter 20 of the San Francisco Administrative Code to preserve the emergency nature of the City's shelter system; to prevent displacement of an individual from a shelter bed based solely on that individual's income, and to prohibit prioritization or set-asides of shelter beds based on income.

5/6/2003, SUBSTITUTED. Supervisor McGoldrick submitted a substitute ordinance bearing new title.

7/8/2003, CONTINUED. Continued to July 15, 2003

Question: Shall this Ordinance be PASSED ON FIRST READING?

## **CLOSED SESSION**

### City as Defendant

68. 031172 [Closed Session - Anticipated Litigation As Defendant]  
Supervisor McGoldrick  
Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney that, based on existing facts and circumstances, there is significant exposure to litigation against the City (City anticipated to be a defendant) regarding the proposed ordinance to preserve the emergency nature of the City's shelter system, to prevent displacement of an individual from a shelter bed based solely on that individual's income, and to prohibit prioritization or set-asides of shelter beds based on income.

This closed session would be permitted by Government Code Section 54956.9(b) (1), and San Francisco Administrative Code Section 67.10(d) (2), and discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City if litigation is filed.

7/8/2003, CONTINUED. Continued to July 15, 2003

Action: \_\_\_\_\_

*After a closed session, if one occurs, the President shall (1) request the Deputy City Attorney to identify the subjects discussed in the closed session, and (2) direct the Clerk of the Board to report the vote taken on any motion in the closed session.*

*[Elect To Disclose]*

*Motion that the Board finds it is in the public interest to disclose information discussed in closed session, and directs the President immediately to disclose that information.*

*[Elect Not to Disclose]*

*Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations concerning the anticipated litigation listed above.*

## **FOR ADOPTION WITHOUT COMMITTEE REFERENCE**

*These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.*

### **Items 65 through 76**

69.      031161    **[Urge Real Estate Companies to Reward the Hard Work of Janitors]**  
                 **Supervisors Sandoval, Daly**  
                 Resolution urging real estate companies in San Francisco to employ cleaning companies that provide decent and fair wages, adequate health benefits, full-time work and union involvement without fear of retribution.  
                 [No fiscal impact.]
- 6/24/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
7/8/2003, CONTINUED. Continued to July 15, 2003  
Question: Shall this Resolution be ADOPTED?
70.      031157    **[Port Management Audit]**  
                 **Supervisor Daly**  
                 Motion directing the Budget Analyst to conduct a management audit of the Port of San Francisco on a priority basis.  
                 [No fiscal impact.]
- 6/24/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
7/8/2003, CONTINUED. Continued to July 15, 2003  
Question: Shall this Motion be ADOPTED?
71.      031216    **[Authorizing the Japantown Task Force, Inc. to directly apply for and receive SB 307 funds]**  
                 **Supervisor Gonzalez**  
                 Resolution authorizing the Japantown Task Force, Inc. to directly apply for and receive SB 307 funds and to prepare the specific plan and be the community planning entity for San Francisco's Japantown, as defined in SB 307.
- 7/8/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
Question: Shall this Resolution be ADOPTED?

72. 031217 **[Urging the San Francisco Fire Department to provide a written plan to ensure 24-hour service to all residents of Districts 7 and 11 served by Engine 33]**  
**Supervisor Hall**  
Resolution urging the San Francisco Fire Department to provide a written plan to ensure 24-hour service to all residents of Districts 7 and 11 served by Engine 33 during the seismic retrofitting of Station 33 as well as assuring the residents of the re-opening of the station after the retrofit.  
  
7/8/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
**Question: Shall this Resolution be ADOPTED?**
73. 031218 **[Supporting Assembly Bills 906, 121, and 471 to prohibit cruise ships pollution]**  
**Supervisors Daly, Peskin**  
Resolution supporting Assembly Bills 906, 121 and 471 to prohibit cruise ship pollution in California.  
  
7/8/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
**Question: Shall this Resolution be ADOPTED?**
74. 031219 **[Urging San Francisco Fire Department to keep Engine 33 operational and its crew intact during the seismic retrofitting of Station 33]**  
**Supervisors Sandoval, Gonzalez, McGoldrick, Ammiano**  
Resolution urging the San Francisco Fire Department to keep Engine 33 operational and its crew intact during the seismic retrofitting of Station 33.  
  
7/8/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
**Question: Shall this Resolution be ADOPTED?**
75. 031220 **[Recognizing the Vietnamese Heritage and Freedom Flag]**  
**Supervisors Ma, Daly, Dufty**  
Resolution recognizing the Vietnamese Heritage and Freedom Flag as the symbol of the Vietnamese American community.  
  
7/8/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
**Question: Shall this Resolution be ADOPTED?**
76. 031221 **[Proclaiming August 2003 as Child Support Awareness Month]**  
**Supervisor Maxwell**  
Resolution proclaiming August 2003 as Child Support Awareness Month in the City and County of San Francisco.  
  
7/8/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
**Question: Shall this Resolution be ADOPTED?**

77. 031222 [Commending MSNBC]  
Supervisor Ammiano  
Resolution commending MSNBC for firing Michael Savage for anti-gay comments.
- 7/8/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
Question: Shall this Resolution be ADOPTED?
78. 031223 [Recognize, commend and honor Enid Ng Lim]  
Supervisors Dufty, Ma, Peskin  
Resolution to recognize, commend and honor Enid Ng Lim for her lifetime of civic and community service.
- 7/8/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
Question: Shall this Resolution be ADOPTED?
79. 031224 [Honoring the 150th anniversary of the Archdiocese of San Francisco]  
Supervisor Hall  
Resolution commending and honoring the 150th anniversary of the Archdiocese of San Francisco on July 29, 2003.
- 7/8/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
Question: Shall this Resolution be ADOPTED?
80. 031225 [Apply For-State/Regional Grant]  
Supervisor Ammiano  
Resolution authorizing the City Administrator to apply for a grant in the amount of \$864,000 from the Bay Area Air Quality Management District for the purpose of implementing programs to improve air quality.
- 7/8/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
Question: Shall this Resolution be ADOPTED?
- Questions on the For Adoption Without Committee Reference  
Agenda: \_\_\_\_\_*

## 81. IMPERATIVE AGENDA

*Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s).*

### *[Serious Injury Finding]*

*Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."*

*[Purely Commendatory Finding]*

*Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.*

*[Brown Act Finding]*

*Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.*

*[Imperative Resolutions, if any]***OFF-AGENDA LEGISLATION****PROPOSED ORDINANCES**

*Proposed ordinances received from July 1, 2003 through July 7, 2003, for reference by President to appropriate committee on July 15, 2003.*

**031177 [Settlement of Lawsuit - John Eiler]**

Ordinance authorizing settlement of the lawsuit filed by John Eiler against the City and County of San Francisco for \$300,000; the lawsuit was filed on March 15, 2002 in San Francisco Superior Court, Case No. 02-405687; entitled John Eiler, et al., v. James Strain, City and County of San Francisco, et al.

(City Attorney)

(Public Benefit Recipient.)

7/3/2003, RECEIVED AND ASSIGNED to Rules Committee.

**031179 [Settlement of Lawsuits - Regents of the University of California and University of California, Hastings College of the Law]**

Ordinance approving the settlement of the following lawsuits: (1) Regents of the University of California v. City and County of San Francisco, San Francisco Superior Court Case No. 311005, filed March 24, 2000; (2) Regents of the University of California v. City and County of San Francisco, San Francisco Superior Court Case No. 324662, filed September 18, 2001; (3) University of California, Hastings College of the Law v. City and County of San Francisco, San Francisco Superior Court Case No. 400550, filed October 24, 2001; and (4) Regents of the University of California and University of California, Hastings College of the Law v. City and County of San Francisco, San Francisco Superior Court Case No. 414027, filed October 24, 2002. These settlements result in payment by the City in an undetermined amount not to exceed \$155,000; potential payment by the City of an additional amount to be determined; and an agreement on the maximum future water and sewer rate charges to plaintiffs for the next three fiscal years.

(City Attorney)

(Public Benefit Recipient.)

7/7/2003, RECEIVED AND ASSIGNED to Rules Committee.

## PROPOSED RESOLUTIONS

*Proposed resolutions received from July 1, 2003 through July 7, 2003, for reference by President to appropriate committee on July 15, 2003.*

**031176 [Reduce sexual risk for HIV transmission in substance using men who have sex with men]**

Resolution authorizing the San Francisco Department of Public Health (SFPDH) to enter retroactively into an agreement in the amount of \$127,961 with Public Health Foundation Enterprises Inc. (PHFE), the primary contractor, to reduce the sexual risk for HIV transmission in substance using men who have sex with men (SU-MSM), for the period of September 1, 2002, to August 31, 2003.  
(Public Health Department)  
(No Public Benefit Recipient.)

7/1/2003, RECEIVED AND ASSIGNED to City Services Committee.

**031178 [Renew Revolving Loan Funds Agreement with State]**

Resolution authorizing the Office of the District Attorney to renew its current agreement with the California Victim Compensation and Government Claims Board, an agent of the State of California, for a revolving loan fund in the amount of \$75,000 to be used to pay for verified funeral/burial expenses and emergency relocation for victims of domestic violence and sexual assault.  
(District Attorney)  
(No Public Benefit Recipient.)

7/3/2003, RECEIVED AND ASSIGNED to City Services Committee.

**031180 [Collaborative research study to evaluate the effectiveness of different approaches for reducing the transmission risk behaviors of HIV-infected patients, year 2.]**

Resolution authorizing the San Francisco Department of Public Health (SFPDH) to enter retroactively into an agreement in the amount of \$71,992 with The Regents of the University of California San Francisco (UCSF), the primary contractor, for a collaborative study of prevention for HIV-positive persons under the second year of an award from the DHHS Centers for Disease Control and Prevention (CDC); for the period of September 30, 2002 to September 29, 2003.  
(Public Health Department)  
(No Public Benefit Recipient.)

7/7/2003, RECEIVED AND ASSIGNED to City Services Committee.

**031181 [Emergency Repair, 30 Van Ness Avenue Roof Replacement]**

Resolution concurring with and supporting the Director of the Department of Real Estate's finding and declaration of an emergency; urging the Departments of Real Estate and Public Works to take necessary measures in the most expeditious manner to protect the safety, health, welfare, and property of the citizens and employees of the City and County of San Francisco with regard to the severe leakage and drainage problems caused by the failing roof at 30 Van Ness Avenue, at an estimated cost of \$1.1 million for a new roof.  
(Public Works Department)  
(No Public Benefit Recipient.)

7/7/2003, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031182 [Grants Federal Funds - Municipal Railway]**

Resolution authorizing the Municipal Transportation Agency (MTA) Board of Directors to accept and expend \$990,029 of Federal Earmarked Capital Assistance for Design and Construction of Muni's Central Control Facility.  
(Municipal Transportation Agency)

7/7/2003, RECEIVED AND ASSIGNED to City Services Committee.



**031230 [Petitions and Communications]**

Petitions and Communications received from July 1, 2003 through July 7, 2003, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on July 15, 2003.

From State Senate Rules Committee, submitting reappointment of Janet Keller of Laguna Beach as member of the Water Quality Control Board, San Diego Region, term ending September 18, 2006. (1)

From State Senate Rules Committee, submitting reappointment of Cynthia Verdugo-Peralta of Yorba Linda as a member of the South Coast Air Quality Management District Board, term ending January 15, 2007. (2)

From Police Department, submitting request for waiver of Administrative Code Chapters 12B and 12C for credit Information services provided by Equifax. (3)

From Employees' Retirement System, regarding retirement benefits for District Attorneys, Public Defenders and Public Defender Investigators (Second Draft). Copy: Rules Committee (4)

From Department of Human Resources, submitting quarterly report of the classification process for Local 21 Special Assistant positions and the Management Classification and Compensation Plan Quarterly Report. (5)

From Superior Court, County of San Francisco, regarding why the District Attorney and/or the Superior Court have been unable to levy any fines against those cited during the March 4 war protests. (Reference No. 20030617-007) Copy: Each Supervisor (6)

From Committee on Information Technology, submitting list of sole source contracts for fiscal year 2002/03. (7)

From SF War Memorial and Performing Arts Center, submitting list of sole source contracts for fiscal year 2002/03. (8)

From Treasure Island Development Authority, regarding the redevelopment of the Treasure Island Project. (Reference No. 20030422-016) Copy: Supervisor Newsom (9)

From Office of the Legislative Analyst, submitting report on teacher housing initiatives, including housing subsidies employed by other jurisdictions. Copy: Supervisors Ammiano, Ma, Maxwell (10)

From Medical Examiner's Office, submitting list of sole source contracts for fiscal year 2002/03. (11)

From Office of the Treasurer, submitting report on the Cash Differences and Overages Fund for the period ending June 30, 2003. (12)

From Office of the Controller, regarding Ordinance No. 88-03, which established the Public Education Special Fund. File 030354 (13)

From Office of the City Attorney, submitting list of sole source contracts for fiscal year 2002/03. (14)

From SPUR, urging the Board of Supervisors to support for SB 915, which will increase commute options. Copy: Supervisors McGoldrick, Maxwell, Ammiano (15)

From Department of Aging and Adult Services, regarding services and benefits available to City employees when they need time off to take care of elderly parents. (Reference No. 20030506-006) Copy: Supervisor Hall (16)

From Fire Department, submitting list of fee-for-services schedule. (17)

From John Kennaugh, commenting on cable cars operating at excessive speeds on Hyde Street between Vallejo and Broadway. (18)

From SF Environment, regarding the impact of the proposed budget cuts for fiscal year 2003-04. File 030530 (19)

From Martin Lyon, commenting on various topics. (20)

From Miraloma Park Improvement Club, submitting support for "Care Not Cash". File 030848, Copy: Supervisor Hall (21)

From State Department of Toxic Substances Control, submitting notice of completion for cleanup activities, required in the Removal Action Workplan and the Remedial Action Plan at the Bay Area Drum Street Site. (22)

From Comcast Cable Communications, Inc., submitting notice that Comcast Cable Communications, Inc. will be sending subscribers the new video privacy policy in August. (23)

From SF Association of Realtors, submitting opposition to proposed Charter amendment, which would replace the existing appointed Rent Board with one elected at large. File 030866, Copy: Each Supervisor (24)

From US Army Corps of Engineers, submitting public notice dated June 25, 2003 regarding plans to carry out salmonid habitat enhancement projects in various streams and rivers throughout the following coastal California Counties: Alameda, Contra Costa, Del Norte, Glenn, Humboldt, Lake, Marin, Medocino, Montrey, Napa, San Benito, San Francisco, San Luis Obispo, San Mateo, Santa Clara, Santa Cruz, Siskiyou, Solano, Sonoma and Trinity. (25)

From Department of Human Services, submitting correction to information provided by the Department regarding the Department's ability to utilize federal and state welfare allocation funds to create local tax credit programs. (Reference No. 20030422-020) Copy: Supervisor Newsom (26)

From Fire Department, submitting list of sole source contracts entered into during the past fiscal year. (27)

From Office of the Controller, submitting list of sole source contracts entered into during the past fiscal year. (28)

From International Federal Professional and Technical Engineers, Local 21, submitting opposition to proposed Charter amendment regarding the Ethics Provisions. File 030681 (29)

From Budget Analyst, submitting status report for the quarter ending June 30, 2003. (30)

From Office of the Legislative Analyst, submitting report regarding how other major cities require flower-vending stands or other similar cash-based businesses to keep track of all sales and what equipment or system is used. File 021787, Copy: Supervisor Sandoval (31)

From Marilyn Amini, submitting opposition to proposed legislation regarding "Secondary Units". File 021598, Copy: Each Supervisor (32)

From Office of the Legislative Analyst, submitting report regarding the regulatory process for approval of the proposed James R. Herman Cruise Ship Terminal at Piers 30 and 32, including analysis of state legislation that has been approved and may be proposed regarding this site. Copy: Each Supervisor (33)

From Ann Conley, submitting request for a Type-42 liquor license for Joie de Vivre Hospitality, Inc., dba Petite Auberge at 567 Sutter Street. (34)

From Muni, submitting draft version of Muni's fiscal year 2004-2023 Short-Range Transit Plan. Copy: Each Supervisor (35)

From Bernard Grimm, urging the Board to do whatever it takes to clean up Market Street, between 6th and 7th Streets. Copy: Each Supervisor, Police Chief (36)

## **ADJOURNMENT**



# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO AGENDA



DOCUMENTS DEPT.

JUL 18 2003

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Legislative Chamber - Second Floor  
City Hall, 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

Tuesday, July 22, 2003 2:00 PM

## Regular Meeting

MATT GONZALEZ, PRESIDENT  
TOM AMMIANO, CHRIS DALY, BEVAN DUFTY, TONY HALL,  
FIONA MA, SOPHIE MAXWELL, JAKE MCGOLDRICK,  
GAVIN NEWSOM, AARON PESKIN, GERARDO SANDOVAL

Gloria L. Young, Clerk of the Board

Agendas of the Board of Supervisors are available on the internet at [www.ci.sf.ca.us/bdsupvrs](http://www.ci.sf.ca.us/bdsupvrs)

## BOARD COMMITTEES

### Committee Membership

#### **Budget Committee**

Supervisors Daly, Peskin, Maxwell, Ma, Gonzalez

#### **City and School District Select Committee**

Supervisors Maxwell, Ammiano, Ma, Commissioners Cruz, Sanchez, Kelly

#### **City Services Committee**

Supervisors Duffy, Ma, Newsom

#### **Finance and Audits Committee**

Supervisors Peskin, Sandoval, McGoldrick

#### **Land Use Committee**

Supervisors McGoldrick, Maxwell, Ammiano

#### **Rules Committee**

Supervisors Hall, Duffy, Gonzalez

### Meeting Days

Thursday  
1:00 PM

2nd Monday, bi-monthly

Thursday  
9:30 AM

Wednesday  
12:30 PM

Monday  
1:00 p.m.

Wednesday  
9:30 AM

## **Board Meeting Procedures**

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Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

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**翻譯 必須在會議前最少四十八小時提出要求  
請電 (415) 554-7701**

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### **Know Your Rights Under the Sunshine Ordinance**

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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### **Lobbyist Registration and Reporting Requirements**

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## ROLL CALL AND PLEDGE OF ALLEGIANCE

## APPROVAL OF MEETING MINUTES

*Motion to approve Meeting Minutes for June 10, 2003.*

## AGENDA CHANGES

## COMMUNICATIONS

*Note: Each item on the Consent or Regular agenda may include the following documents:*

- 1) Legislation*
- 2) Budget Analyst report*
- 3) Legislative Analyst report*
- 4) Department or Agency cover letter and/or report*
- 5) Public correspondence*

*These items will be available for review at City Hall, Room 244, Reception Desk.*

## CONSENT AGENDA

*All matters listed hereunder constitute a Consent Agenda, are considered to be routine by the Board of Supervisors and will be acted upon by a single roll call vote of the Board. There will be no separate discussion of these items unless a member of the Board so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.*

### Items 1 through 4

### Recommendations of the Rules Committee

*Present: Supervisors Hall, Duffy, Gonzalez*

1. 030955 [Settlement of Lawsuit - Armenta, et al., v. James Jones Co., et al.]  
Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against the James Jones Company, Mueller Co., Tyco International and Watts industries, for a payment to the City in the amount of \$2,890,908; the lawsuit was filed on June 26, 1997 in Los Angeles County Superior Court, Case No. BC 173-487; entitled Los Angeles Department of Water and Power ex rel Armenta, et al., v. James Jones Co., et al.  
(City Attorney)  
(No Public Benefit Recipient.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

2.        031080    [Settlement of Lawsuit - S.F. Baykeeper, et al. v. CCSF. et al.]  
Ordinance authorizing settlement of attorney's fees and costs in the lawsuit filed by Waterkeepers Northern California dba San Francisco Baykeeper, Arc Ecology, and the San Francisco League of Conservation Voters against the City and County of San Francisco, and John L. Martin, Paul Maltzer and Kandace Bender in their official capacities, for \$145,000.00 in attorney's fees and \$4,298.13 in costs; the lawsuit was filed on August 8, 2002 in San Francisco Superior Court, Case No. 501511; entitled Waterkeepers Northern California, et al., v. City and County of San Francisco, et al.  
(City Attorney)  
(Public Benefit Recipient.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

3.        031081    [Settlement of Lawsuit - Mesha Irizarry]  
Ordinance authorizing settlement of the lawsuit filed by Mesha Irizarry against the City and County of San Francisco for \$500,000; the lawsuit was filed on January 30, 2002 in the United States District Court, Case No. C02-0534 SBA; entitled Mesha Irizarry, et al., v. City and County of San Francisco, et al.  
(City Attorney)  
(Public Benefit Recipient.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

### **Recommendation of Finance and Audits Committee**

*Present: Supervisors Peskin, Sandoval, McGoldrick*

4.        031095    [Contract Prop J: Facility Security Services]  
Resolution concurring with the Controller's certification that facility security services for Municipal Transportation Agency can be practically performed by a private contractor at a lower cost than by City and County employees.  
(Public Benefit Recipient.) [No fiscal impact.]

Question: Shall this Resolution be ADOPTED?

*Questions on the Consent Agenda are on final passage, first reading, or adoption, as indicated: \_\_\_\_\_*

## REGULAR AGENDA

## UNFINISHED BUSINESS

### Recommendations of the Budget Committee

*Present: Supervisors Daly, Peskin, Maxwell, Ma, Gonzalez*

5. 030787 [Government Funding, Fiscal Year 2003-04]  
Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures for the City and County of San Francisco for fiscal year ending June 30, 2004.  
(Mayor)  
(Charter Section 9.100 provides the Board shall not adopt the Budget earlier than July 15, 2003 nor later than August 1, 2003.)

7/15/2003, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Supervisor Daly, seconded by Supervisor Peskin, moved an amendment of the whole.

7/15/2003, PASSED ON FIRST READING AS AMENDED. Combined with File No. 031183

**Question: Shall this Ordinance be FINALLY PASSED?**

6. 030788 [Public Employment, Fiscal Year 2003-04]  
Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the Fiscal Year ending June 30, 2004, continuing, creating or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefor.  
(Human Resources Department)  
(Charter Section 9.100 provides the Board shall not adopt the Budget earlier than July 15, 2003 nor later than August 1, 2003.)

7/15/2003, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

7/15/2003, PASSED ON FIRST READING AS AMENDED. Combined with File No. 031184

**Question: Shall this Ordinance be FINALLY PASSED?**

7.       **030991   [Establishing Parking Meter and Permit Parking Areas --Recreation and Park Property]  
Mayor**

Ordinance amending the Traffic Code by adding Sec. 201.5 to establish Parking Meter Area Number Five; amending Sec. 201 to authorize the General Manager of the Recreation and Park Department to establish parking meter zones within Parking Meter Area Five subject to approval of the Recreation and Park Commission; amending Sec. 203.6 to set Parking Meter Rates in Parking Meter Area Number Five and to authorize the Recreation and Park Commission to reduce the meter rate not more than 50% lower than that set by the Board of Supervisors; amending Sec. 213 to provide that monies collected from meters located on park land be credited to an account for use by the Recreation and Park Department; adding Park Code Article 14 to establish permit parking on Park Property; and amending Park Code Sec. 6.10 to provide for penalties for violating Article 14.  
(Mayor)

7/8/2003, CONTINUED. Continued to July 15, 2003

7/15/2003, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

7/15/2003, PASSED ON FIRST READING AS AMENDED.

**Question: Shall this Ordinance be FINALLY PASSED?**

**From the City Services Committee "Without Recommendation"**

*Present: Supervisors Dufy, Newsom, McGoldrick*

8.       **030737   [Preservation of Emergency Nature of Shelter; Prevention of Displacement, Prioritization, or  
Set-Asides of Shelter Beds Based Solely on Income]  
Supervisors McGoldrick, Daly**

Ordinance adding Article II to Chapter 20 of the San Francisco Administrative Code to preserve the emergency nature of the City's shelter system; to prevent displacement of an individual from a shelter bed based solely on that individual's income, and to prohibit prioritization or set-asides of shelter beds based on income.

5/6/2003, SUBSTITUTED. Supervisor McGoldrick submitted a substitute ordinance bearing new title.

7/8/2003, CONTINUED. Continued to July 15, 2003

7/15/2003, PASSED ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

## Recommendations of the Finance and Audits Committee

*Present: Supervisors Peskin, Sandoval, McGoldrick*

9. 021948 [Repealing Police Code Section 162 - Regulating Fortunetellers]  
Supervisor Peskin

Ordinance repealing Section 162 of the San Francisco Police Code relating to advertising by fortunetellers; adding Sections 1300 to 1321 to the San Francisco Police Code requiring fortunetellers to obtain a permit, setting forth permit procedures, regulating business by prohibiting deceptive acts and requiring receipts, rate schedules, and identification cards, requiring permit number on advertisements, allowing license inspections, and setting forth the penalty for violations of these sections; and amending San Francisco Police Code Section 2.26 and 2.27 setting forth permit and licensing fees.

(Supervisor Sandoval dissenting in Committee.)

7/15/2003, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

10. 030633 [Giving the Executive Director of the Department of Parking and Traffic Authority to Promulgate Regulations Regarding Parking Revenue Equipment]  
Supervisor Peskin

Ordinance amending Section 4910 of the Police Code to vest authority to promulgate regulations regarding parking revenue equipment in the Executive Director of the Department of Parking and Traffic, instead of in the Tax Collector.

7/15/2003, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

11. 031229 [Appropriating Funds for Brannan Street Wharf and Cruise Terminal Project at Piers 30-32]  
Ordinance appropriating \$9,324,000 in sales proceeds from the Seawall Lot 330 and \$20,376,000 from the condo sales proceeds for a total of \$29,700,000 for the development of the Brannan Street Wharf and the Pier 30-32 Cruise Terminal Project, for Port for fiscal year 2003-2004, placing \$29,700,000 on reserve by the Finance and Audits Committee.  
(Port)

7/15/2003, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

7/15/2003, PASSED ON FIRST READING AS AMENDED.

Question: Shall this Ordinance be FINALLY PASSED?

## Recommendations of the Land Use Committee

*Present: Supervisors McGoldrick, Maxwell, Ammiano*

**12. 030040 [Planning Code Section 249.24 - Jackson Square Special Use District]****Supervisor Peskin**

Ordinance amending the Planning Code to add section 249.24 to establish the Jackson Square Special Use District, amending the Zoning Map Sectional Map No. 1 SU to show the boundaries of this District, requiring that within this District ground floor office use be subject to conditional use authorization as specified, requiring that within this District adult entertainment enterprises be prohibited, modifying the abandonment period for permitted conditional uses in this District, and making findings of consistency with the General Plan and priority policies of Planning Code section 101.1.

(Planning Commission Resolution Nos. 16577 and 16578 recommending approval of proposed legislation with modifications, dated May 8, 2003.)

7/15/2003, PASSED ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

*Present: Supervisors McGoldrick, Maxwell*

**13. 030909 [Street Artist Space Regulations]**

Ordinance amending the San Francisco Police Code by amending Section 2405 to modify the street artist space regulations.

(Arts Commission)

7/15/2003, PASSED ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

**14. 031019 [Mission Bay 16th/7th Street Jack and Bore Casing Improvements]**

Ordinance accepting the irrevocable offer for the 16th/7th Street Jack and Bore Casing Improvements; designating said facilities for public use and maintenance purposes; adopting findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 174.027; and authorizing official acts in connection with this ordinance. (Public Utilities Commission)

(No Public Benefit Recipient; Findings of DPW Order No. 174027 dated June 9, 2003.)

7/15/2003, PASSED ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

**Recommendations of the Rules Committee**

*Present: Supervisors Hall, Dufty, Gonzalez*

15. 030866 [Charter Amendment - Establishing an Elected Rent Board]  
Supervisor Daly  
Charter amendment (Second Draft) to add a new Article VIA to establish an elected San Francisco Residential Rent Stabilization and Arbitration Board that would replace the existing appointed Rent Board.
- 7/8/2003, CONTINUED. Continued to July 15, 2003  
7/15/2003, CONTINUED. Continued to July 22, 2003  
Question: Shall this Charter Amendment be SUBMITTED?
16. 030740 [Amending Rule 4.29 at Board of Supervisors meetings]  
Supervisor Gonzalez  
Motion amending Rule 4.29 of the Rules of Order of the Board of Supervisors to provide that at meetings of the Board of Supervisors the recognition of public dignitaries may occur at anytime, and the recognition of commendations shall occur at 3:30 p.m.
- 6/10/2003, CONTINUED. Continued to June 17, 2003  
6/17/2003, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Amendment of the Whole bearing new title.  
6/17/2003, CONTINUED AS AMENDED. Continued to July 15, 2003  
7/15/2003, CONTINUED. Continued to July 22, 2003  
Question: Shall this Motion be ADOPTED?

## NEW BUSINESS

### Recommendations of the Finance and Audits Committee

*Present: Supervisors Peskin, Sandoval, McGoldrick*

17. 031102 [Memorandum of Understanding re PERS Contract Amendment]  
Mayor, Supervisors Dufty, Ma, Sandoval, McGoldrick  
Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Deputy Sheriffs' Association regarding the amendment of the contract with the Public Employees' Retirement System to provide the County's Sheriffs with the retirement benefits known as 3% @ 55.  
(Fiscal impact.)
- Question: Shall this Ordinance be PASSED ON FIRST READING?
18. 031115 [PERS Contract Amendment]  
Mayor, Supervisors Dufty, Ma, Sandoval, McGoldrick  
Ordinance authorizing an Amendment to Contract Between the Board of Administration, California Public Employees' Retirement System, and the Board of Supervisors, City and County of San Francisco.
- Question: Shall this Ordinance be PASSED ON FIRST READING?



19.      030505    **[Outreach Advertising]**  
Resolution designating the Asian Week, the China Press, the World Journal and the Chinese Times to be outreach newspapers of the City and County of San Francisco for the Chinese community; El Reportero, El Latino and El Mensajero to be outreach newspapers of the City and County of San Francisco for the Hispanic community; the Bay Area Reporter to be the outreach newspaper of the City and County of San Francisco for the Lesbian/Gay/Bisexual/Transgender community; and the San Francisco Bay View to be outreach newspaper of the City and County of San Francisco for the African American community, for outreach advertising for the fiscal year commencing July 1, 2003 and ending June 30, 2004.  
(Purchaser)  
(Fiscal impact; No Public Benefit Recipient.)
- 6/10/2003, RE-REFERRED to Finance and Audits Committee.
- Question: Shall this Resolution be ADOPTED?**
20.      031124    **[Laundry Services At San Francisco General Hospital]**  
Resolution concurring with the Controller's certification that the laundry services can be performed for the Department of Public Health, San Francisco General Hospital by private contractor for a lower cost than similar work performed by City and County employees.  
(No Public Benefit Recipient.)
- Question: Shall this Resolution be ADOPTED?**
- Present: Supervisors Peskin, Sandoval*
21.      030851    **[Contract - Department of the Environment and PG&E]**  
**Mayor, Supervisor Gonzalez**  
Resolution pursuant to Charter section 9.118(a) authorizing the Department of the Environment to enter into a contract for up to \$1,560,000 with Pacific, Gas and Electric Company ("PG&E") to implement a Demand Reduction Through Energy Efficiency Pilot Program in the City and County of San Francisco.
- Question: Shall this Resolution be ADOPTED?**

### **Recommendations of the Land Use Committee**

*Present: Supervisors McGoldrick, Ammiano*

22. 030351 [Planning Code Section 312 - Retail coffee store or pharmaceutical and personal toiletries use]  
Supervisor Gonzalez  
Ordinance amending Planning Code Section 312 to require that a change in use to a retail coffee store, as defined in Planning Code Section 790.102(n), or to a pharmaceutical and personal toiletries use, as defined in Planning Code Section 790.102(c), or the addition of a prescription drug service where none previously existed within 3 years of an application for an addition, be subject to the notification and review procedures of Section 312, and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.  
(Certificate of Determination of Exemption/Exclusion from Environmental Review dated 5/23/03; Planning Commission Resolution No. 16594, adopted June 5, 2003, recommending approval.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

23. 030998 [Sunsetting of higher cap on taxicab gate fees if City fails to enact long-term lease fee cap]  
Supervisor Hall  
Ordinance amending Section 1135.1 of the Police Code to provide for extending from August 1, 2003 to November 1, 2003 the time for sunsetting the higher cap on taxicab gate fees if the City fails to enact an ordinance prescribing a specific long-term lease fee cap covering all long-term lease drivers.

Question: Shall this Ordinance be PASSED ON FIRST READING?

### Recommendations of the Rules Committee

*Present: Supervisors Hall, Dufty, Gonzalez*

24. 031153 [Establishing a Construction Risk Management Committee]  
Supervisor Dufty  
Ordinance establishing a Construction Risk Management Committee to authorize and monitor the performance of City's OCIPs.  
[No fiscal impact.]

Question: Shall this Ordinance be PASSED ON FIRST READING?

25. 031114 [Amending Rule 4.29 of the Rules of Order]  
Supervisor Gonzalez  
Motion amending Rule 4.29 of the Rules of Order of the Board of Supervisors to provide that public hearings on appeals shall be scheduled at 4 p.m. rather than 3 p.m., and providing a system for scheduling these appeals when more than one appears on a Board calendar.  
(No fiscal impact.)

Question: Shall this Motion be ADOPTED?

**SPECIAL ORDER 3:00 P.M.****Board of Supervisors Sitting as a Committee of the Whole**

26. 030681 [Charter Amendment-Ethics provisions to move various provisions into ordinances, to enact new provisions, to make technical changes, and to clarify ambiguities in existing provisions]  
Supervisor Ammiano  
Charter amendment (Sixth Draft) to amend Sections 4.108, 4.109, 15.100, 15.103, 15.105, 16.118 and Article XVII, deleting Sections 15.104, 15.106, 15.108, C8.105 and adding Section 18.115 and Appendix Sections C9.101, C9.102, C9.103, C9.104, C9.105, C9.106, C9.107, C9.108, C9.109, C9.110, C9.111, C9.112, C9.113, C9.114, C9.115, C9.116, C9.117, C9.118, C9.119, C9.120, C9.121, C9.122, C9.123, C9.124, C9.125, C9.126 and C9.127 to enact new conflict of interest provisions, to make technical changes, to move various provisions into ordinances, and to clarify existing provisions.
- 5/13/2003, SUBSTITUTED. Supervisor Ammiano submitted a substitute bearing new title.
- 7/8/2003, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.
- 7/8/2003, CONTINUED AS AMENDED. Continued to July 15, 2003 with the Board Sitting as a Committee of the Whole.
- 7/15/2003, AMENDED.
- 7/15/2003, CONTINUED AS AMENDED. Continue to July 22, 2003 with the Board Sitting as a Committee of the Whole.
- Refer to Employee Relations Division for meet and confer
- COMMITTEE OF THE WHOLE RISE AND REPORT WITHOUT RECOMMENDATION**
- Question: Shall this Charter Amendment be SUBMITTED?**

**SPECIAL ORDER 3:00 P.M.**

27. 030956 [Public Hearing - Appeal, Conditional Use, 3725 Buchanan Street (a.k.a. 3727 Buchanan Street)]  
Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No. 16571 dated May 1, 2003 approving a conditional use authorization, Case No. 2002.0657C, to mount a total of eight panel antennas and related equipment on the roof of an existing building as part of Verizon's wireless telecommunications network within an NC-2 (Small Scale Neighborhood Commercial) Zoning District, Scenic SSD (Special Sign District) and a 40-X Height and Bulk District on property located at 3725 Buchanan Street (a.k.a. 3727 Buchanan Street), on the west side between Beach and North Point Streets; Lot 004, in Assessor's Block 0445A.  
(Appeal filed May 29, 2003; Categorically exempt from the environmental review process (CEQA) pursuant to exemption Classes 1, 3 and 11 of Title 14 of the California Administrative Code; companion measure to Files 030957, 030958; 030959; District 2.)

6/24/2003, CONTINUED. Continued to July 22, 2003

Action: \_\_\_\_\_

*Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.*

**From the Clerk****(Only one of the following two motions should be adopted.)**

28. 030957 [Appeal, Conditional Use - 3725 Buchanan Street (a.k.a. 3727 Buchanan Street)]  
Motion approving decision of the Planning Commission by its Motion No. 16571, approving Conditional Use Application No. 2002.0657C on property located at 3725 Buchanan Street (a.k.a. 3727 Buchanan Street), on the west side between Beach and North Point Streets, and adopting findings pursuant to Planning Code Section 101.1.  
(Clerk of the Board)
- 6/24/2003, CONTINUED. Continued to July 22, 2003  
Question: Shall this Motion be ADOPTED?
29. 030958 [Appeal, Conditional Use - 3725 Buchanan Street (a.k.a. 3727 Buchanan Street)]  
Motion disapproving decision of the Planning Commission by its Motion No. 16571, approving Conditional Use Application No. 2002.0657C on property located at 3725 Buchanan Street (a.k.a. 3727 Buchanan Street), on the west side between Beach and North Point Streets, and adopting findings pursuant to Planning Code Section 101.1.  
(Clerk of the Board)

6/24/2003, CONTINUED. Continued to July 22, 2003

Question: Shall this Motion be ADOPTED?

30.       030959   **[Findings - 3725 Buchanan Street (a.k.a. 3727 Buchanan Street)]**  
Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2002.0657C on property located at 3725 Buchanan Street (a.k.a. 3727 Buchanan Street), for action by the Board at its next meeting.  
(Clerk of the Board)

6/24/2003, CONTINUED. Continued to July 22, 2003

**Question: Shall this Motion be ADOPTED?**

**SPECIAL ORDER 3:00 P.M.**

31. 031037 [Public Hearing - Appeal, Conditional Use, 40-50 Lansing Street (a.k.a. 35 Guy Place)]  
Hearing of persons interested in or subject to the decision of the Planning Commission by its Motion No. 16572 dated May 1, 2003, approving Conditional Use Application No. 2002.0446CEV, subject to certain conditions, allowing the construction of an 84-foot tall residential building within an R (Residential) District pursuant to Planning Code Section 152; and allowing the construction of a building with full lot coverage in the Rincon Hill Special Use District pursuant to Planning Code Section 249.1(b)(1)(C) in an RC-4 District, a 84-R Height and Bulk District and the Rincon Hill Special Use District/Residential Subdistrict located at 40-50 Lansing Street (a.k.a. 35 Guy Place), Lot 11, in Assessor's Block 3749.  
(Appeal filed June 2, 2003; Determined by the Planning Department to not have a significant effect on the environment pursuant to the Negative Declaration adopted and issued on April 22, 2003, and prepared pursuant to the Guidelines of the State Secretary of Resources, Sections 15064 (Determining Significant Effect), 15065 (Mandatory Findings of Significance), and 15070 (Decision to Prepare a Negative Declaration); companion measure to Files 031038, 031039, 031040, 031090; District 6.)

6/24/2003, CONTINUED. Continued to July 22, 2003

Action: \_\_\_\_\_

*Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.*

**From the Clerk****(Only one of the following two motions should be adopted.)**

32. 031038 [Appeal, Conditional Use - 40-50 Lansing Street (a.k.a. 35 Guy Place)]  
Motion approving decision of the Planning Commission by its Motion No. 16572, approving Conditional Use Application No. 2002.0446CEV on property located at 40-50 Lansing Street (a.k.a. 35 Guy Place), and adopting findings pursuant to Planning Code Section 101.1.  
(Clerk of the Board)

6/24/2003, CONTINUED. Continued to July 22, 2003

Question: Shall this Motion be ADOPTED?

33. 031039 [Appeal, Conditional Use - 40-50 Lansing Street (a.k.a. 35 Guy Place)]  
Motion disapproving decision of the Planning Commission by its Motion No. 16572, approving Conditional Use Application No. 2002.0446CEV on property located at 40-50 Lansing Street (a.k.a. 35 Guy Place), and adopting findings pursuant to Planning Code Section 101.1.  
(Clerk of the Board)

6/24/2003, CONTINUED. Continued to July 22, 2003

Question: Shall this Motion be ADOPTED?

34.      031040    **[Findings - 40-50 Lansing Street (a.k.a. 35 Guy Place)]**  
Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2002.0446CEV on property located at 40-50 Lansing Street (a.k.a. 35 Guy Place), for action by the Board at its next meeting.  
(Clerk of the Board)

6/24/2003, CONTINUED. Continued to July 22, 2003

**Question: Shall this Motion be ADOPTED?**

35.      031090    **[Environmental Review - 40-50 Lansing Street (a.k.a. 35 Guy Place)]**  
Motion certifying review of Final Mitigated Negative Declaration relating to proposed Conditional Use of property at 40-50 Lansing Street (a.k.a. 35 Guy Place).  
(Clerk of the Board)

6/24/2003, CONTINUED. Continued to July 22, 2003

**Question: Shall this Motion be ADOPTED?**

**SPECIAL ORDER 3:00 P.M.**

36. 030553 [Public Hearing - Appeal, Conditional Use - 19th Street PG&E Transformer Station]  
Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No. 16534 dated February 27, 2003 approving a conditional use authorization, Case No. 2002.0575C, to install six panel antennas and related back-up equipment on the PG&E Transformer Station, pursuant to Planning Code Section 209.6(b), within an RH-3 (Residential, House, Three-Family) District and a 50-X Height and Bulk District, located at South side of the 3400 Block of 19th Street, Lot 104, in Assessor's Block 3596.  
(Appeal filed March 31, 2003; categorically exempt from environmental review process pursuant to Class 1 exemptions of Title 14 of the California Administrative Code; companion measure to File 030554, 030555, 030556; District 9.)

Action: \_\_\_\_\_

*Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244: San Francisco, CA 94102-4689) at, or prior to, the public hearing.*

**From the Clerk****(Only one of the following two motions should be adopted.)**

37. 030554 [Appeal, Conditional Use - 19th Street PG&E Transformer Station]  
Motion approving decision of the Planning Commission by its Motion No. 16534, approving Conditional Use Application No. 2002.0575C, on the PG&E Transformer Station located at the south side of the 3400 Block of 19th Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Question: Shall this Motion be ADOPTED?

38. 030555 [Appeal, Conditional Use - 19th Street PG&E Transformer Station]  
Motion disapproving decision of the Planning Commission by its Motion No. 16534, approving Conditional Use Application No. 2002.0575C, on the PG&E Transformer Station located at the south side of the 3400 Block of 19th Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Question: Shall this Motion be ADOPTED?



39. 030556 [Findings - 19th Street PG&E Transformer Station]  
Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional use Application No. 2002.0575C, on the PG&E Transformer Station located at the south side of the 3400 Block of 19th Street, for action by the Board at its next meeting.  
(Clerk of the Board)

Question: Shall this Motion be ADOPTED?

#### 40. ROLL CALL FOR INTRODUCTIONS

*Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, letters of request to the City Attorney and Board Members' reports on their regional body activities.*

#### 41. PUBLIC COMMENT

*An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes.*

#### APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

*These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.*

42. 031154 [Legislative Analyst Request - CITYSTAT Technology Systems]  
Supervisors Newsom, Dufty, Hall  
Motion directing the Office of the Legislative Analyst to conduct research on CITYSTAT technology systems, including an analysis of how the other major cities, including New York, Chicago, Phoenix and Baltimore, have implemented a CITYSTAT program.  
[No fiscal impact.]

7/8/2003, CONTINUED. Continued to July 22, 2003

Question: Shall this Motion be ADOPTED?

#### FOR ADOPTION WITHOUT COMMITTEE REFERENCE

*These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.*

#### Items 43 through 46

43. 031161 [Urge Real Estate Companies to Reward the Hard Work of Janitors]  
Supervisors Sandoval, Daly, Peskin  
Resolution urging real estate companies in San Francisco to employ cleaning companies that provide decent and fair wages, adequate health benefits, full-time work and union involvement without fear of retribution.  
[No fiscal impact.]  
  
6/24/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
7/8/2003, CONTINUED. Continued to July 15, 2003  
7/15/2003, CONTINUED. Continued to July 22, 2003  
Question: Shall this Resolution be ADOPTED?
44. 031251 [Commending Holt A. Cheng, MD]  
Supervisor Ma  
Resolution commending Holt A. Cheng, MD for his lifelong dedication and commitment to medical education and for his related work in the medical field.  
  
7/15/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
Question: Shall this Resolution be ADOPTED?
45. 031252 [San Francisco Liberation Radio 97.3 FM and diversity in media ownership]  
Supervisors Gonzalez, Daly, Dufty, Ammiano  
Resolution supporting San Francisco Liberation Radio 97.3 FM and urging Federal, State, and Local officials to support policies and practices that encourage diverse local non-commercial media.  
  
7/15/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
Question: Shall this Resolution be ADOPTED?
46. 031191 [Needle Exchange Emergency]  
Supervisors Ammiano, Newsom, Daly, Peskin, McGoldrick, Maxwell, Dufty  
Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.  
  
7/15/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
Question: Shall this Motion be ADOPTED?

*Questions on the For Adoption Without Committee Reference Agenda: \_\_\_\_\_*

## 47. IMPERATIVE AGENDA

*Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s).*

*[Serious Injury Finding]*

*Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."*

*[Purely Commendatory Finding]*

*Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.*

*[Brown Act Finding]*

*Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.*

*[Imperative Resolutions, if any]***OFF-AGENDA LEGISLATION****PROPOSED ORDINANCES**

*Proposed ordinances received from July 8, 2003 through July 14, 2003, for reference by President to appropriate committee on July 22, 2003.*

**031211 [Changing Official Width of Sidewalk]**

Ordinance Amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section No. 1560 to change the official sidewalk width on the west side of Illinois Street between 18th and 19th Streets; making findings pursuant to the General Plan and Planning Code Section 101.1; and addressing relocation, modification, or both of facilities affected by the sidewalk width changes.

(Public Works Department)

(No Public Benefit Recipient.)

7/11/2003, RECEIVED AND ASSIGNED to Land Use Committee.

**031213 [Amending Residential Rent Stabilization and Arbitration Ordinance]**

Ordinance amending Administrative Code Chapter 37 (Residential Rent Stabilization and Arbitration Ordinance) by amending Section 37.4 to provide that if one of the two regular landlord members is unavailable to vote, that member's specific alternate shall be seated and vote, but if that member's specific alternate is also unavailable to vote, the other landlord alternate shall (if available) be seated and vote as a substitute alternate; if one of the two regular tenant members is unavailable to vote, that member's specific alternate shall be seated and vote, but if that member's specific alternate is also unavailable to vote, the other tenant alternate shall (if available) be seated and vote as a substitute alternate; this would modify the current Code that provides each of the two regular landlord members with a specific alternate, but no mechanism for the two landlord alternates to substitute for one another; likewise, this would modify the current Code that provides each of the two regular tenant members with a specific alternate, but no mechanism for the two tenant alternates to substitute for one another.

(Rent Stabilization and Arbitration Board)

7/14/2003, RECEIVED AND ASSIGNED to Rules Committee.

**PROPOSED RESOLUTIONS**

*Proposed resolutions received from July 8, 2003 through July 14, 2003, for reference by President to appropriate committee on July 22, 2003.*

**031210 [Contract approval - Municipal Transportation Quality Review]**

Resolution approving the award and execution of San Francisco Municipal Railway Contract Number CCO 02-866, Municipal Transportation Quality Review, to Nelson\Nygaard Consulting Associates, to conduct the Quality Review required under Charter Section 8A.107, for a total contract amount not to exceed \$49,489, and for a term not to exceed one year with an option to extend up to an additional two years to cover the next review period.

(Municipal Transportation Agency)

7/10/2003, RECEIVED AND ASSIGNED to City Services Committee.

**031212 [Agreement - Informatix, Inc. and CCSF]**

Resolution approving the Agreement between Informatix, Inc. and City of County of San Francisco for computer consulting services necessary to implement the Computer Assisted Support Enforcement System (CASES) Consortium for forty one California counties, including San Francisco.

(Child Support Services)

(No Public Benefit Recipient.)

7/14/2003, RECEIVED AND ASSIGNED to City Services Committee.

**031272 [Petitions and Communications]**

Petitions and Communications received from July 8, 2003 through July 15, 2003, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on July 22, 2003.

From Department of Human Resources, submitting Sole Source Contracts, Human Resources, FY 2002-03. (1)

From Public Utilities Commission, requesting U.S. Filter Wastewater Group be granted a one-time waiver for the provision of a pressure filter to the Water Pollution Control Department. (2)

From Department of Human Services, submitting a list of contract activities for the Department of Human Services during the Fiscal Year 2002-2003. (3)

From Ethics Commission, submitting Ethics Commission resolution regarding instant run-off voting. (4)

From San Francisco Department of Public Health, submitting Quarterly AIDS Surveillance report. (5)

From San Francisco Department of Environment, regarding urban forest council information request. (6)

From Office of the Controller, reporting on the first review of the agreement the San Francisco Public Utilities Commission has with the Water Infrastructure Partners to procure program management and construction management services in support of the PUC's water, power and sewer capital improvement program. (7)

From Office of the Clerk of the Board of Supervisors, reporting that the department did not receive gifts in Fiscal Year 2002-03. (8)

From Clifford Waldeck, submitting support of Supervisor Peskin's legislation to establish a Special Use District for the Jackson Square area. File 030040 (9)

From concerned citizen, submitting Mission Statement for the Sanctuary. (10)

From San Francisco Fire Department, reporting that the Mayor's Office of Emergency Services is coordinating the City's efforts on the application of the 2003 Homeland Security Grant. (Reference No. 20030408-003) Copy: Supervisors Newsom, Sandoval (11)

From Bilingual Community Advocate Group, submitting documents regarding discrimination claim #154887 filed on July 1, 2003. Copy: Each Supervisor (12)

From Office of the Controller, submitting Twice-Yearly Overtime Report. Copy: Each Supervisor (13)

From San Francisco Drug Abuse Advisory Board and City-Wide Alcoholism Advisory Board, submitting transcription of Town Hall Meeting on May 16, 2003. (14)

From Planning Department, regarding Transbay Terminal/Caltrain Extension/Redevelopment Plan Environment Process. File 030379 (15)

From Office of the Treasurer, submitting correspondence and report on the investment activity of the portfolios under management. (16)

From International Federation of Professional and Technical Engineers, regarding conflict of interest charter measure. Copy: Each Supervisor (17)

From Ethics Commission, submitting Second Quarter 2003 Summary Report of Campaign Consultant Activity. (18)

From San Francisco Redevelopment Agency, reporting on how the Third Street Walgreens was permitted to remove the landscaping provided in the concept plan agreed to by the Bayview Hunters Point Project Area Committee. (Reference No. 20030513-005) Copy: Supervisor Maxwell (19)

From Comcast to Ms. Denise Brady, regarding Hispanic programming adjustment. (20)

From Daniel Stone, urging the Board of Supervisors to pass the resolution in support of San Francisco Liberation Radio. Copy: Each Supervisor (21)

From Department of Parking and Traffic, reporting on Supervisor Newsom's inquiry regarding various traffic and pedestrian safety improvement requests for the neighborhood adjacent to the 15th Avenue Presidio Gate entrance. (Reference No. 20030506-004) Copy: Supervisor Newsom (22)

From Department of Human Services, suggesting to the Board of Supervisors to contact the Department of Human Resources regarding the definition of dependents for the purpose of health benefits and any other inquiries regarding city employee benefits. (Reference No. 20030520-004) Copy: Supervisor Hall (23)

From Office of the Mayor, submitting technical adjustments to the Mayor's Proposed 2003-2004 Budget Submission. Copy: Each Supervisor (24)

From Department of Public Works, regarding 2031-2035 Larkin Street - Minor Sidewalk Encroachment Permit. (25)

From Department of Parking and Traffic, regarding sole source contracts. (26)

From Department of Human Resources, reporting on the services and benefits available to city employees when they need time off to take care of elderly parents. (Reference No. 20030506-005) Copy: Supervisor Hall (27)

From Visitacion Valley Community Center, urging the Board of Supervisors to reject the proposal to cut 6.0 FTE medical interpreter staff positions at San Francisco General Hospital. Copy: Each Supervisor (28)

From Department of Human Resources, submitting a waiver request form. (29)

From Verizon Wireless, regarding notification letter for Portola Drive of GTE Mobilnet of California Limited Partnership. (30)

From Clement Chen, commenting on the proposed Jackson Square Special Use District Ordinance. File 030040 Copy: Each Supervisor (31)

From Martin T. Lyon, regarding traffic lights in various tunnels. (32)

From Peter Warfield, expressing his appreciation to the Board of Supervisors for rejecting Library's Fines and Fees Ordinance. Copy: Each Supervisor (File 030990) (33)

From San Francisco Public Library Commission, concerning the Board's recommendation in the final budget that \$500,000 from the San Francisco Public Library budget be allocated for use in SFUSD libraries. Copy: Supervisor Gonzalez (34)

From concerned citizens, commenting on the appropriating funds for Brannan Street Wharf and Cruise Terminal Project at Piers 30-32. File 031229 (35)

From Allen Siegel, commenting on Officer Jerry Lankford with the San Francisco Police Department. (36)

From concerned citizens, submitting support for the Care not Cash program. File 030848 (37)

From Alan Chelnick, regarding police officers carrying guns in the legislative chamber. Copy: Supervisor Daly (38)

From Miriam H. Morrill, regarding the Final Recovery Plan for Coastal Plants of the Northern San Francisco Peninsula. (39)

From Peter Man, requesting a letter of public convenience and necessity from the Board of Supervisors to let the State of California Department of Alcoholic Beverage Control issue a Type 48 liquor license to the Shawman Group, LLC to operate a bar and lounge located at 662 Mission Street, San Francisco. (40)

From John Jenkel, submitting articles regarding al-Qaida attack and how the September 11th event effected the United States. (41)

From Eric Whitaker, regarding PC&N Determination for One Tillman Place, San Francisco. (42)

From James Miller, regarding city employees' usage of MUNI. (43)

From Tom Piazza, commenting on the streets of San Francisco. (44)

From Martin T. Lyon, regarding various overhead street signs in the city. (45)

From Gary W. Moody, regarding prosperity of San Francisco. (46)

## ADJOURNMENT





90  
63  
129/03

# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO AGENDA



DOCUMENTS DEPT.

JUL 24 2003

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Legislative Chamber - Second Floor  
City Hall, 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

Tuesday, July 29, 2003 2:00 PM

## Regular Meeting

MATT GONZALEZ, PRESIDENT  
TOM AMMIANO, CHRIS DALY, BEVAN DUFTY, TONY HALL,  
FIONA MA, SOPHIE MAXWELL, JAKE MCGOLDRICK,  
GAVIN NEWSOM, AARON PESKIN, GERARDO SANDOVAL

Gloria L. Young, Clerk of the Board

Agendas of the Board of Supervisors are available on the internet at [www.ci.sf.ca.us/bdsupvrs](http://www.ci.sf.ca.us/bdsupvrs)

## BOARD COMMITTEES

### Committee Membership

#### **Budget Committee**

Supervisors Daly, Peskin, Maxwell, Ma, Gonzalez

#### **City and School District Select Committee**

Supervisors Maxwell, Ammiano, Ma, Commissioners Cruz, Sanchez, Kelly

#### **City Services Committee**

Supervisors Duffy, Ma, Newsom

#### **Finance and Audits Committee**

Supervisors Peskin, Sandoval, McGoldrick

#### **Land Use Committee**

Supervisors McGoldrick, Maxwell, Ammiano

#### **Rules Committee**

Supervisors Hall, Duffy, Gonzalez

### Meeting Days

Thursday  
1:00 PM

2nd Monday, bi-monthly

Thursday  
9:30 AM

Wednesday  
12:30 PM

Monday  
1:00 p.m.

Wednesday  
9:30 AM

## **Board Meeting Procedures**

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4) standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

Agenda are available on the internet at [www.sfgov.org/bdsupvrs.bos.htm](http://www.sfgov.org/bdsupvrs.bos.htm).

THE AGENDA PACKET IS AVAILABLE AT CITY HALL, ROOM 244, RECEPTION DESK.

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 557-4293.

Results of each Board meeting can be obtained about a half hour after the end of the meeting by telephoning (415) 554-5555.

Requests for language translation at a meeting must be received no later than noon the Friday before the meeting. Contact Ohn Myint at (415) 554-7704.

AVISO EN ESPAÑOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia del el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

**翻譯 必須在會議前最少四十八小時提出要求**  
**請電 (415) 554-7701**

## **Disability Access**

The Legislative Chamber of the Board of Supervisors is in Room 250 of City Hall, 1 Dr. Carlton B. Goodlett Place. The Chamber is wheelchair accessible.

The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex.

All meetings are real-time captioned and are cablecast open-captioned on SF Cable 26.

The following services are available when requests are made by 4:00 p.m. of the Friday before the Board meeting. This advance notice will help ensure availability.

- For American Sign Language interpreters or use of a reader during a meeting, contact Ohn Myint at (415) 554-7704.

- For a large print copy of agenda or minutes in alternative formats, contact Annette Lonich at (415) 554-7706.

Assistive listening devices are available from the receptionist in the Clerk of the Board's Office, Room 244, prior to the meeting.

The Clerk of the Board's Office TTY number is (415) 554-5227.

In order to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

### **Know Your Rights Under the Sunshine Ordinance**

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Donna Hall by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at [Donna.Hall@sfgov.org](mailto:Donna.Hall@sfgov.org)

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Ms. Hall or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine.htm>

### **Lobbyist Registration and Reporting Requirements**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site [www.sfgov.org/ethics](http://www.sfgov.org/ethics)

## ROLL CALL AND PLEDGE OF ALLEGIANCE

## APPROVAL OF MEETING MINUTES

*Motion to approve the June 17, 2003 Board Minutes.*

## AGENDA CHANGES

## COMMUNICATIONS

*Note: Each item on the Consent or Regular agenda may include the following documents:*

- 1) Legislation*
- 2) Budget Analyst report*
- 3) Legislative Analyst report*
- 4) Department or Agency cover letter and/or report*
- 5) Public correspondence*

*These items will be available for review at City Hall, Room 244, Reception Desk.*

## CONSENT AGENDA

*All matters listed hereunder constitute a Consent Agenda, are considered to be routine by the Board of Supervisors and will be acted upon by a single roll call vote of the Board. There will be no separate discussion of these items unless a member of the Board so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.*

### Items 1 through 7

### Recommendations of the City Services Committees

*Present: Supervisors Duffy, Ma, Newsom*

1. 031053 [Accept-Expend State Grant]

Mayor

Resolution authorizing the Mayor's Office of Emergency Services to accept and expend a grant in the amount of \$26,185 from the California Governor's Office on Service and Volunteerism for Citizens Corps activities and the Neighborhood Emergency Response Team Program.

(No fiscal impact; No Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

2.        031123    **[Explore the effects of antiretroviral therapy (HAART) on cancer incidence in persons with AIDS]**  
**Supervisor Dufty**  
Resolution authorizing the San Francisco Department of Public Health, AIDS Office (SFDPH, AIDS) to accept and expend retroactively a grant in the amount of \$85,335 from the National Institute of Allergy and Infectious Diseases (NIAID), to explore the effect of highly active antiretroviral therapy (HAART) on cancer incidence in persons with AIDS and to enter into an agreement for the use of these funds; for the period of May 1, 2003, to October 31, 2004.  
(Public Health Department)  
(No Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

3.        031125    **[Services for indigent patients at the S.F. General Hospital Trauma Center]**  
**Supervisor Dufty**  
Resolution authorizing the San Francisco Department of Public Health, San Francisco County EMS Agency (SFDPH) to accept retroactively and expend a one year grant in the amount of \$587,034 from the California Emergency Medical Services Authority (CEMSA) to support the Trauma Center at San Francisco General Hospital and to enter into an agreement for the use of these funds; for the period of July 1, 2002 to June 30, 2003.  
(Public Health Department)  
(No Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

4.        031168    **[Develop placement alternatives for African-American individuals residing in Institutions for Mental Disease]**  
**Supervisor Dufty**  
Resolution authorizing the San Francisco Department of Public Health, Behavioral Health Services (SFDPH, BHS) to accept and expend retroactively a grant in the amount of \$399,444 from the California Department of Mental Health (CDMH) to develop model strategies and protocols for African-Americans institutionalized for mental disease; for the period of June 16, 2003, to June 30, 2004.  
(Public Health Department)  
(No Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

## Recommendations of the Rules Committee

*Present: Supervisors Hall, Dufty, Gonzalez*

5. 030955 [Settlement of Lawsuit - Armenta, et al., v. James Jones Co., et al.]  
Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against the James Jones Company, Mueller Co., Tyco International and Watts industries, for a payment to the City in the amount of \$2,890,908; the lawsuit was filed on June 26, 1997 in Los Angeles County Superior Court, Case No. BC 173-487; entitled Los Angeles Department of Water and Power ex rel Armenta, et al., v. James Jones Co., et al.  
(City Attorney)  
(No Public Benefit Recipient.)

7/22/2003, PASSED, ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

6. 031080 [Settlement of Lawsuit - S.F. Baykeeper, et al. v. CCSF, et al.]  
Ordinance authorizing settlement of attorney's fees and costs in the lawsuit filed by Waterkeepers Northern California dba San Francisco Baykeeper, Arc Ecology, and the San Francisco League of Conservation Voters against the City and County of San Francisco, and John L. Martin, Paul Maltzer and Kandace Bender in their official capacities, for \$145,000.00 in attorney's fees and \$4,298.13 in costs; the lawsuit was filed on August 8, 2002 in San Francisco Superior Court, Case No. 501511; entitled Waterkeepers Northern California, et al., v. City and County of San Francisco, et al.  
(City Attorney)  
(Public Benefit Recipient.)

7/22/2003, PASSED, ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

7. 031081 [Settlement of Lawsuit - Mesha Irizarry]  
Ordinance authorizing settlement of the lawsuit filed by Mesha Irizarry against the City and County of San Francisco for \$500,000; the lawsuit was filed on January 30, 2002 in the United States District Court, Case No. C02-0534 SBA; entitled Mesha Irizarry, et al., v. City and County of San Francisco, et al.  
(City Attorney)  
(Public Benefit Recipient.)

7/22/2003, PASSED, ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

*Questions on the Consent Agenda are on final passage, first reading, or adoption, as indicated: \_\_\_\_\_*

## REGULAR AGENDA

### UNFINISHED BUSINESS

#### From the Clerk

8. 031250 [Adopting findings related to the conditional use appeal on property located at 270-284 Valencia Street/17 Brosnan Street]  
Motion adopting findings related to the appeal of the Planning Commission's approval of Conditional Use Application No. 2002.0333C (which authorized the construction of 28 dwelling units in a C-M District, allowed the construction of a housing project with fewer than 25-percent below market units, and allowed the demolition of a building in the Northeast Mission Industrial Zone that has contained production, distribution and repair businesses since August 5, 1999) on property located at 270-284 Valencia Street/17 Brosnan Street, west side of Valencia Street between 14th and Brosnan Streets (Lot 9 in Assessor's Block 3533).  
(Clerk of the Board)

7/17/2003, REFERRED to Board of Supervisors.

Question: Shall this Motion be ADOPTED?

#### Recommendation of the Budget Committee

*Present: Supervisors Daly, Peskin, Maxwell, Ma, Gonzalez*

9. 030991 [Establishing Parking Meter and Permit Parking Areas --Recreation and Park Property]  
Mayor  
Ordinance amending the Traffic Code by adding Sec. 201.5 to establish Parking Meter Area Number Five; amending Sec. 201 to authorize the General Manager of the Recreation and Park Department to establish parking meter zones within Parking Meter Area Five subject to approval of the Recreation and Park Commission; amending Sec. 203.6 to set Parking Meter Rates in Parking Meter Area Number Five and to authorize the Recreation and Park Commission to reduce the meter rate not more than 50% lower than that set by the Board of Supervisors; amending Sec. 213 to provide that monies collected from meters located on park land be credited to an account for use by the Recreation and Park Department; adding Park Code Article 14 to establish permit parking on Park Property; and amending Park Code Sec. 6.10 to provide for penalties for violating Article 14.  
(Mayor)

7/8/2003, CONTINUED. Continued to July 15, 2003

7/15/2003, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

7/15/2003, PASSED ON FIRST READING AS AMENDED.

7/22/2003, CONTINUED. Continued to July 29, 2003

Question: Shall this Ordinance be FINALLY PASSED?

#### Recommendations of the Finance and Audits Committee

*Present: Supervisors Peskin, Sandoval, McGoldrick*

10. 031102 [Memorandum of Understanding re PERS Contract Amendment]  
Mayor, Supervisors Dufty, Ma, Sandoval, McGoldrick, Daly, Newsom  
Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Deputy Sheriffs' Association regarding the amendment of the contract with the Public Employees' Retirement System to provide the County's Sheriffs with the retirement benefits known as 3% @ 55.  
(Fiscal impact.)
- 7/22/2003, PASSED ON FIRST READING.  
Question: Shall this Ordinance be FINALLY PASSED?
11. 031115 [PERS Contract Amendment]  
Mayor, Supervisors Dufty, Ma, Sandoval, McGoldrick, Daly, Newsom  
Ordinance authorizing an Amendment to Contract Between the Board of Administration, California Public Employees' Retirement System, and the Board of Supervisors, City and County of San Francisco.
- 7/22/2003, PASSED ON FIRST READING.  
Question: Shall this Ordinance be FINALLY PASSED?

### Recommendations of the Land Use Committee

*Present: Supervisors McGoldrick, Ammiano*

12. 030351 [Planning Code Section 312 - Retail coffee store or pharmaceutical and personal toiletries use]  
Supervisors Gonzalez, Daly, Hall  
Ordinance amending Planning Code Section 312 to require that a change in use to a retail coffee store, as defined in Planning Code Section 790.102(n), or to a pharmaceutical and personal toiletries use, as defined in Planning Code Section 790.102(c), or the addition of a prescription drug service where none previously existed within 3 years of an application for an addition, be subject to the notification and review procedures of Section 312, and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.  
(Certificate of Determination of Exemption/Exclusion from Environmental Review dated 5/23/03; Planning Commission Resolution No. 16594, adopted June 5, 2003, recommending approval.)
- 7/22/2003, PASSED ON FIRST READING.  
Question: Shall this Ordinance be FINALLY PASSED?
13. 030998 [Sunsetting of higher cap on taxicab gate fees if City fails to enact long-term lease fee cap]  
Supervisor Hall  
Ordinance amending Section 1135.1 of the Police Code to provide for extending from August 1, 2003 to November 1, 2003 the time for sunsetting the higher cap on taxicab gate fees if the City fails to enact an ordinance prescribing a specific long-term lease fee cap covering all long-term lease drivers.
- 7/22/2003, PASSED ON FIRST READING.  
Question: Shall this Ordinance be FINALLY PASSED?



**Recommendation of the Rules Committee**

*Present: Supervisors Hall, Dufty, Gonzalez*

**14. 031153 [Establishing a Construction Risk Management Committee]****Supervisor Dufty**

Ordinance establishing a Construction Risk Management Committee to authorize and monitor the performance of City's OCIPs.

[No fiscal impact.]

7/22/2003, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

## NEW BUSINESS

### Recommendations of the Budget Committee

*Present: Supervisors Daly, Maxwell, Ma*

15. 030637 [Extending Redevelopment Agency's Times for Incurring and Repaying Debt]  
Ordinance approving, for the redevelopment plans listed below, the elimination of the existing time limits in each plan for establishment of loans, advances and indebtedness: (1) the Western Addition Area A-2 Redevelopment Plan, (2) the Yerba Buena Center Redevelopment Plan, (3) the Rincon Point - South Beach Redevelopment Plan, and (4) the Embarcadero-Lower Market (Golden Gateway) Redevelopment Plan.  
(Mayor)  
5/2/03: Exempt from CEQA Non-physical exemption CEQA Guidelines Section 15060(c)(8) and Section 15378; Fiscal impact.

Question: Shall this Ordinance be PASSED ON FIRST READING?

16. 030496 [Relocation of Laundry Services to Oyster Point]  
Supervisors Peskin, Daly, Dufty  
Resolution urging the Department of Administrative Services and other City departments to expeditiously implement the relocation of laundry services for San Francisco General Hospital and Laguna Honda Hospital to the laundry facility at Oyster Point.

4/1/2003, REFERRED to Budget Committee.

Question: Shall this Resolution be ADOPTED?

### Recommendations of the City Services Committee

*Present: Supervisors Dufty, Ma, Newsom*

17. 030468 [Youth Soccer]  
Supervisor Newsom  
Resolution urging the Recreation and Park Department, while re-evaluating current practices and policies, to determine the most efficient use of its park space for athletic programs to allow for public usage of the Marina Green for youth to practice soccer.

Question: Shall this Resolution be ADOPTED?

18. 030910 [Liquor License, 39 New Montgomery Street]  
Supervisors Ammiano, Newsom, Daly, Peskin, McGoldrick, Maxwell, Dufty  
Resolution determining that the issuance of a Type 48 on-sale general public premises liquor license to The Brothers Earl, LLC (Jason Miller and Kevin Ellis) for the House of Shields, located at 39 New Montgomery Street (District 6), will serve the convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code; with conditions.

Question: Shall this Resolution be ADOPTED?

### **Recommendations of the Finance and Audits Committee**

*Present: Supervisors Peskin, Sandoval, McGoldrick*

19. 031195 [Memorandum of Understanding re PERS Contract Amendment]  
Mayor, Supervisor Sandoval  
Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association regarding the amendment of the contract with the Public Employees' Retirement System to provide the County's Sheriffs with the retirement benefits known as 3% @ 55.  
(Mayor)
- Question: Shall this Ordinance be PASSED ON FIRST READING?
20. 031111 [Reauthorizing the Sales and Use Tax for Transportation]  
Supervisors Daly, Gonzalez, Ammiano, Peskin, Dufty, Maxwell, Ma, Sandoval, McGoldrick  
Resolution approving a New Transportation Expenditure Plan and calling and providing for a special election to be held on November 4, 2003, to be consolidated with the General Municipal Election already scheduled for November 4, 2003, for the purpose of submitting to the voters an ordinance amending Sections 1401, 1402, 1403, 1404, 1405, 1406, 1408, 1413, 1414, and 1415 of, and adding Section 1419 to, Article 14 of the Business and Tax Regulations Code of the City and County of San Francisco so as to (1) authorize implementation of a New Transportation Expenditure Plan, directing the transactions and use tax ("sales and use tax") revenues to specific transportation improvements over the next 30 years and making provisions for the adoption of future expenditure plan updates; (2) continue collection of the sales and use tax at the existing level of one-half of one percent during implementation of the New Transportation Expenditure Plan and its updates; (3) continue in effect the San Francisco County Transportation Authority as the independent agency to administer the tax and oversee implementation of the projects; (4) authorize the San Francisco County Transportation Authority to issue limited tax bonds as needed, in a total outstanding aggregate amount not to exceed \$1,880,000,000 and which is payable from the revenue generated hereunder; (5) approve the California Constitution Article XIII B Appropriations Limit of \$485,175,000; (6) forbid the enjoining of collection of the tax; and (7) make recipient departments responsible for certifying that the tax revenues will not be substituted for property tax funds for existing programs.

Question: Shall this Resolution be ADOPTED?

*Present: Supervisors Peskin, McGoldrick*

21. 031169 **[Reimbursable Professional Services Agreement with Siemens Dematic Group]**  
Resolution approving the Reimbursable Professional Services Agreement with Siemens Dematic Group for the project management and construction management services in the estimated amount of \$1,990,000.  
(Airport Commission)  
(Fiscal impact; Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

*Present: Supervisors Peskin, Sandoval, McGoldrick*

22. 031201 **[California Environmental Quality Act Findings]**  
**Supervisor Daly**  
Motion adopting findings pursuant to the California Environmental Quality Act in connection with approval of a New Transportation Expenditure Plan and Sales Tax Reauthorization.

Question: Shall this Motion be ADOPTED?

### **Recommendations of the Land Use Committee**

*Present: Supervisors McGoldrick, Maxwell*

23. 030304 **[Municipal Transportation Agency leveraged lease-leaseback financing]**  
**Mayor**  
Resolution authorizing the San Francisco Municipal Transportation Agency to proceed with Tranche 2 of the Breda light rail vehicle leveraged lease-leaseback transaction.  
(Mayor)  
(No Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

## 24. ROLL CALL FOR INTRODUCTIONS

*Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, letters of request to the City Attorney and Board Members' reports on their regional body activities.*

## 25. PUBLIC COMMENT

*An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes.*

## APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

*These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.*

### 26. 031284 [Legislative Analyst Request]

**Supervisors Ma, Dufty, Ammiano, Maxwell, Sandoval, Newsom, Daly**

Motion directing the Office of the Legislative Analyst to conduct research on model municipal practices with respect to establishing appropriate and/or shared sites for cellular antennas.

**Question: Shall this Motion be ADOPTED?**

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

*These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.*

### Items 27 through 43

### 27. 031287 [Donate "Harold the Truck"]

**Supervisor Daly**

Resolution authorizing the San Francisco Arts Commission to donate "Harold the Truck" to the South of Market Cultural Center.

7/22/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Resolution be ADOPTED?**

28. 031288 [Rescinding Board of Supervisors Resolution No. \_\_\_\_\_, File No. 031220]  
Supervisors Gonzalez, Ammiano, Hall, McGoldrick, Peskin, Dufty  
Resolution rescinding the resolution regarding the Vietnamese Heritage and Freedom Flag, Board of Supervisors File No. 031220.

7/22/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

Question: Shall this Resolution be ADOPTED?

29. 031289 [Urging DHR to continue to collect evidence regarding discrimination against minority and women owned businesses in private contracting markets]  
Supervisor Gonzalez  
Resolution urging the Human Rights Commission to continue to collect evidence regarding discrimination against minority and women owned businesses in private contracting markets in the Bay Area.

7/22/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

30. 031290 [Declaring Seat #5 on the Commission on Aging Advisory Council to be vacant]  
Supervisor Ma  
Resolution declaring that Seat #5 on the Commission on Aging Advisory Council (incumbent Edmund Jew) is vacant.

7/22/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

31. 031291 [Public hearing approval]  
Supervisor Newsom  
Resolution authorizing the issuance and sale of revenue bonds by ABAG Finance Authority for Nonprofit Corporations in an aggregate principal amount not to exceed \$16,000,000 for Tides Inc., or an affiliate.

7/22/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

32. 031292 [Authorizing preparation of a written Proponent ballot argument and rebuttal argument on approving a New Transportation Expenditure Plan]  
Supervisor Sandoval  
Motion authorizing Supervisor Gerardo C. Sandoval to submit and sign a written Proponent argument and rebuttal argument for the resolution approving a New Transportation Expenditure Plan File No. 031111 for publication in the voter information pamphlet for the November 4, 2003 election.

7/22/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be ADOPTED?

33.       **031293**    **[Urging that Lend Lease and/or Bovis enter into an agreement with the Northern California Carpenters Regional Council for the construction of the new Cruise Terminal Project]**  
**Supervisor Sandoval**  
Resolution urging that Lend Lease and/or its sister company Bovis enter into an agreement with the Northern California Carpenters Regional Council so that the construction of the new Cruise Terminal Project, located on Pier 30-32, and its associated projects might proceed in accordance with the remarkable history and tradition which the members of the United Brotherhood of Carpenters and Joiners of America and Local 22 continue to exemplify in their service to the City of San Francisco.
- 7/22/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
Question: Shall this Resolution be ADOPTED?
34.       **031294**    **[Authorizing preparation of a written Proponent ballot argument and rebuttal ballot argument for Charter Amendments and other Measures for submittal to the voters at the November 4, 2003]**  
**Supervisor Gonzalez**  
Motion authorizing preparation of a written Proponent ballot argument and rebuttal ballot argument for Charter Amendments and other Measures approved by the Board of Supervisors for submittal to the voters at the November 4, 2003.
- 7/22/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
Question: Shall this Motion be ADOPTED?
35.       **031301**    **[Commending the Ocean Beach Neighbors and Merchants]**  
**Supervisor Ma**  
Resolution recognizing and commending the neighbors and merchants of Ocean Beach around Judah and La Playa for their continuing service to the community and commitment to improve the safety, cleanliness and enjoyment of the streets bordering the Ocean Beach Promenade and Great Highway.
- 7/22/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
Question: Shall this Resolution be ADOPTED?
36.       **031302**    **[Commending the Ocean Beach Task Force]**  
**Supervisor Ma**  
Resolution commending the Ocean Beach Task Force for their commitment and service to the preservation of Ocean Beach as a natural, cultural and recreational resource.
- 7/22/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
Question: Shall this Resolution be ADOPTED?
37.       **031303**    **[San Francisco City Guides Day]**  
**Supervisor Peskin**  
Resolution declaring October 23, 2003 "San Francisco City Guides Day" in San Francisco.
- 7/22/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
Question: Shall this Resolution be ADOPTED?

38. 031304 [Working Group to Identify Funding to Minimize Teacher Layoffs]  
Supervisor Ammiano  
Resolution urging the Mayor's Budget Office, City departments and the San Francisco Unified School District to form a working group to identify funding necessary to minimize teacher layoffs in the SFUSD FY 2003-04 budget and urging the working group to report its recommendations to the Mayor and the Board of Supervisors not later than August 5, 2003.
- Question: Shall this Resolution be ADOPTED?
39. 031305 [Extending the regular meetings of the Homeless Senior Task Force]  
Supervisor Daly  
Resolution amending Resolution No. 682-02 to extend the regular meetings of the Homeless Senior Task Force for an additional four months.
- 7/22/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
40. 031260 [Final Map for a 10 Unit Live/Work Condominium Project]  
Motion approving Final Map of 2211 - 26th Street, A Live/Work Condominium Project, being a subdivision of Lot 10 in Assessor's Block No. 4327A, and adopting findings pursuant to Planning Code Section 101.1.  
(Public Works Department)  
(No Public Benefit Recipient; DPW Order No. 174,224; District 10.)
- 7/21/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Motion be ADOPTED?
41. 031261 [Final Map for a 25 Unit Mixed Use Condominium Project]  
Motion approving Final Map of 601 Valencia Street and 3375 17th Street, A Mixed Use Condominium Project, being a subdivision of Lot 127 in Assessor's Block No. 3576, and adopting findings pursuant to Planning Code Section 101.1.  
(Public Works Department)  
(No Public Benefit Recipient; DPW Order No. 174,269; District 9.)
- 7/21/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Motion be ADOPTED?
42. 031262 [Final Map for a 6 Unit Commercial Condominium Project]  
Motion approving Final Map of The Glassworks Mission Bay Block N2 Parcel 1 Phase 1, a Commercial Condominium Project, being a subdivision of Lot 4 Assessor's Block No. 8706, and adopting findings pursuant to Planning Code Section 101.1.  
(Public Works Department)  
(No Public Benefit Recipient; DPW Order No. 174,270; District 6.)
- 7/21/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Motion be ADOPTED?



**43. 031263 [Final Map for a 36 Unit Residential Condominium Project]**

Motion approving Final Map of The Glassworks Mission Bay Block N2 Parcel 1 Phase 2, a Residential Condominium Project, being a subdivision of Lot 4 Assessor's Block No. 8706, and adopting findings pursuant to Planning Code Section 101.1.

(Public Works Department)

(No Public Benefit Recipient; DPW Order No. 174,271; District 6.)

7/21/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Motion be ADOPTED?**

*Questions on the For Adoption Without Committee Reference*

*Agenda:* \_\_\_\_\_

**44. IMPERATIVE AGENDA**

*Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s).*

*[Serious Injury Finding]*

*Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."*

*[Purely Commendatory Finding]*

*Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.*

*[Brown Act Finding]*

*Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.*

*[Imperative Resolutions, if any]*

**OFF-AGENDA LEGISLATION****PROPOSED ORDINANCES**

*Proposed ordinances received from July 15, 2003 through July 21, 2003, for reference by President to appropriate committee on July 29, 2003.*

**031254 [Settlement of Lawsuit - Evelyn Mata]**

Ordinance authorizing settlement of the lawsuit filed by Evelyn Mata against the City and County of San Francisco, San Francisco Police Department and Nancy Brewer for \$50,000; the lawsuit was filed on August 9, 2002 in San Francisco Superior Court, Case No. C-01-411318 entitled Evelyn Mata v. City and County of San Francisco, San Francisco Police Department, Nancy Brewer, et al.  
(City Attorney)  
(Public Benefit Recipient.)

7/21/2003, RECEIVED AND ASSIGNED to Rules Committee.

**PROPOSED RESOLUTIONS**

*Proposed resolutions received from July 15, 2003 through July 21, 2003, for reference by President to appropriate committee on July 29, 2003.*

**031255 [Extension of Agreement For Additional Eighteen-Month Tolling of Statute of Limitations Governing Administrative Proceeding or Suit]**

Resolution approving the City Attorney's entry into a Second Extension of Tolling Agreement governing administrative proceeding or suit by the United States Environmental Protection Agency and the Casmalia Resources Site Steering Committee, effective June 6, 2003.  
(No Public Benefit Recipient.)

7/21/2003, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031256 [State Grant - Safe Routes to School Funds]**

Resolution authorizing the Director of Transportation or his designee to apply for retroactively, accept, and expend \$444,060.00 in California State "Safe Routes to Schools" funds, with required local match of \$48,940.00  
(Parking and Traffic Department)  
(No Public Benefit Recipient.)

7/21/2003, RECEIVED AND ASSIGNED to City Services Committee.

**031257 [State Grant - Safe Routes to School Funds]**

Resolution authorizing the Director of Transportation or his designee to apply for retroactively, accept, and expend \$428,400.00 in California State "Safe Routes to Schools" funds, with required local match of \$47,600.00.  
(Parking and Traffic Department)  
(No Public Benefit Recipient.)

7/21/2003, RECEIVED AND ASSIGNED to City Services Committee.

**031258 [Gift Acceptance, Laguna Honda Hospital - Passenger Van]**

Resolution authorizing the Department of Public Health, Laguna Honda Hospital to accept and use a gift donated to Laguna Honda Hospital in the amount of \$37,857 from the Laguna Honda Hospital Volunteer Services, Inc. for the exclusive benefit of Laguna Honda residents.  
(Public Health Department)  
(No Public Benefit Recipient.)

7/21/2003, RECEIVED AND ASSIGNED to City Services Committee.

**031259 [Gift Acceptance, Laguna Honda Hospital - Electric Vehicles]**

Resolution authorizing the Department of Public Health, Laguna Honda Hospital to accept and use a gift of equipment-two electric vehicles in the amount of \$14,310 from the McKesson Corporation for the general benefit of all residents at Laguna Honda Hospital.

(Public Health Department)

(No Public Benefit Recipient.)

7/21/2003, RECEIVED AND ASSIGNED to City Services Committee.

**031308 [Petitions and Communications]**

Petitions and Communications received from July 15, 2003 through July 21, 2003, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on July 29, 2003.

From Peter Glikshtern, submitting request for transfer of a liquor license from 536 Golden Gate Avenue to 550 15th Street for Five50, Inc. (1)

From Planning Department, submitting notice that an application for variance under the Planning Code has been filed for the California Academy of Sciences. Copy: Each Supervisor (2)

From Deputy Clerk, Office of the Board of Supervisors, submitting notice that an appeal of Negative Declaration for 2026 Lombard Street was filed with Clerk of the Board's Office on July 14, 2003 and forwarded to the City Attorney's Office to determine that the appeal has been filed in a timely manner. (3)

From Office of the Mayor, submitting technical adjustments to the 2003-04 budget currently pending before the Board of Supervisors. Copy: Each Supervisor (4)

From Reuben & Alter LLP, submitting response to appeal of Conditional Use Authorization for property located at 40-50 Lansing Street. File 031037 (5)

From the Department of the Environment, submitting list of all sole source contracts entered into for fiscal year 2001-02. (6)

From State Office of Homeland Security, submitting copy of letter sent to the Mayor's Office of Emergency Services regarding approval of grant for \$413,323.00. (7)

From concerned citizens, submitting opposition to proposed legislation to install parking meters in Golden Gate Park. File 030991, Copy: Each Supervisor (8)

From Melissa Szeto Matsuda, submitting resignation from the San Francisco Museum and Historical Society Advisory Committee, effective immediately. Copy: Each Supervisor (9)

From Department of Public Health, regarding what steps the sponsors of the annual Bay to Breakers footrace can take to better respond to cardiac emergencies by participants, including the use of defibrillators. (Reference No. 20030520-002) Copy: Supervisor Dufty (10)

From the Department of Aging and Adult Services, regarding the application and the selection process for awards from the Office on the Aging's fiscal year 2003-04 request for proposals (RFP). (Reference No. 20030610-002) Copy: Supervisor Sandoval (11)

From Sidney Kass, submitting support for proposal to install parking meters in Golden Gate Park. File 030991 (12)

From Connie Kullberg, submitting support for residential permit parking on Shrader Street, both sides, between Haight and Page Streets. (13)

From Beer & Wine Services, Inc., submitting requests for a Wholesale and Off-Sale Beer and Wine business at 70 Zoe Street, Suite 220 for Enovations Creative Wine Concepts, LLC. (14)

From Office of the Building General Manager, submitting list of all sole source contracts that Building Services has entered into during the past fiscal year. (15)

From Office of the Controller, submitting report concerning the financial audit of the Statement of Cash and Investments of the Office of the Treasure and Tax Collector for the quarter ended March 31, 2003. (16)

From Cingular Wireless, submitting notification letter for a CPUC cell site for Lincoln Park Presbyterian Church at 417 31st Avenue. (17)

From Office of the Controller, submitting report concerning the audit of Stacy and Witbeck/Esquivel, a joint venture, and its contract with the Department of Public Works. (18)

From Office of the Controller, submitting report concerning the concession audit of Signature Flight Support and its operating agreement with the Airport Commission. (19)

From Pornchai Hutachinda, submitting request to exchange an existing Type 47 liquor license for a Type 48 liquor license for the Café located at 2369-2371 Market Street, 2nd floor. (20)

From Dina Redman, submitting opposition to decision of the Planning Commission, approving Conditional Use on property located at 270-284 Valencia/17 Brosnan Street. File 031134 (21)

From concerned citizens, submitting opposition to proposal to proclaim July 18th as "Janeane Garofolo " day in San Francisco. (22)

From Bob Green, submitting support for the "Care Not Cash" program. File 030848, Copy: Each Supervisor (23)

From Kathy Oda, urging the Board to install speed bumps or a traffic sign on France Street in the Excelsior District. Copy: Supervisor Sandoval (24)

From concerned citizens, urging the Board to urge the Elections Commission to carry out the wish of the voters and enact "Instant Runoff Voting/Ranked Choice Voting" at the next election in San Francisco. (25)

From Tayler Bayer, submitting opposition to proposed ordinance regulating fortunetellers. File 021948 (26)

From State Department of Water Resources, submitting copy of the "California Floodplain Management Report". (27)

From Marina Neighborhood Association, submitting support for appeal of Planning Commission's decision for Conditional Use at 375 Buchanan Street. (28)

From Peter Man, submitting request for a Type 48-liquor license to the Shawman Group, LLC, d.b.a. Fluid, to operate a bar and lounge located at 662 Mission Street. (29)

From Clifford Waldeck, submitting support for proposal to establish a Special Use District for the Jackson Square area. File 030040 (30)

From Shirley Selby, submitting opposition to proposed legislation regarding in-law apartments. File 031160 (31)

From Marilyn Bair, submitting opposition to installation of six paneled antennas and related back-up equipment on the PG&E Transformer Station on 19th Street. File 030553 (32)

From Cynthia Nagendra, submitting opposition to "Care Not Cash". File 030848, Copy: Each Supervisor (33)

From Richard Jacquot, commenting on proposal to install parking meters in Golden Gate Park. File 030991 (34)

From concerned citizens, urging the Board to pass a resolution supporting San Francisco Liberation Radio (93.7 FM Radio). (35)

From James Chaffee, submitting letter entitled "Library Shuns Citizens Advisory Committee Concept". (36)

From Sandra Cohen, concerning the suspension of her surviving spouses Health Net Insurance coverage. (37)

From Roy Albert, submitting opposition to proposed Conditional Use on property located at 270-284 Valebeua/17 Brosnan Street. File 031134, Copy: Each Supervisor (38)

From Greenbelt Alliance, submitting support for Conditional Use on property located at 40-50 Lansing Street. (39)

From concerned citizens, submitting opposition for Conditional Use of property located at 40-50 Lansing Street. File 031037 (40)

From State Fish and Game Commission, submitting proposed regulatory action relative to sections 163 and 164, title 14, California Code of Regulations, relating to the Herring Fishery, which will appear in the California Regulatory Notice Register on July 11, 2003. (41)

From the Advisory Council on Aging, submitting Resolution No. 2003-01 urging the Transportation Authority to revise the proposed expenditure plan to provide \$65 million of additional priority level one funding. (42)

From Shawn Ferreyra, submitting support for proposed legislation regarding the "Human Services Care Fund". File 031238, Copy: Each Supervisor (43)

From Edward Goehring, regarding proposal by the Department of Parking and Traffic to install two handicapped parking spots at the corner of Gough and Oak Streets. (44)

From Mirna Escobar, submitting her opinion on various subjects. (45)

From John Jenkel, submitting her opinion on various subjects. (46)

From Stu Smith, urging the Board to restore proposed cuts from the current level of paratransit funding. Copy: Each Supervisor (47)

From Samantha George, regarding her experience with a homeless woman in Union Square. Copy: Each Supervisor (48)

From Michael Richeson, regarding the unprofessional service he received at SF General Hospital. Copy: Each Supervisor, Department of Public Health (49)

From Rich Koury, commenting on the Board of Supervisors pay raise. Copy: Each Supervisor (50)

From concerned citizens, submitting support for resolution that recognizes the flag of the Republic of Vietnam as a symbol of freedom. Copy: Each Supervisor (51)

From SF County Transportation Authority, submitting copy of the Expenditure Plan and Sales Tax Reauthorization Environmental Impact Report. (52)

## ADJOURNMENT





BOARD of SUPERVISORS



[Budget Analyst Report]

Susan Hom

Main Library-Govt. Doc. Section

Dr. Carlton B. Goodlett

San Francisco 94102-4689

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*Agenda*

**NOTICE OF PUBLIC HEARING  
BOARD OF SUPERVISORS  
PROPOSED GROUND LEASE / PURCHASE / SALES AGREEMENT  
BETWEEN THE CCSF AND THE REDEVELOPMENT AGENCY  
AND THE JORDAN HOUSING CORP.  
LEGISLATIVE CHAMBER - SECOND FLOOR  
CITY HALL, 1 DR. CARLTON B. GOODLETT PLACE  
SAN FRANCISCO, CA 94102  
TUESDAY, AUGUST 12, 2003 — 3:00 PM**

NOTICE IS HEREBY GIVEN THAT the Board of Supervisors of the CCSF will hold a public hearing on Tuesday, August 12, 2003 at 3:00 p.m. pursuant to the provisions of Section 33433 of the California Community Redevelopment Law and certain requirements of the Federal Government.

The purpose of said hearing is to hear all persons interested in the matter of the proposal of the Redevelopment Agency of the CCSF to enter into a Ground Lease Agreement in connection with the lease of land and a Purchase and Sale Agreement in connection with the transfer of the improvements of Assessor's Block 0716, Lot 003, commonly known as 820 O'Farrell Street.

The Redevelopment Agency proposes to enter into said Ground Lease and lease the land and enter into a Purchase and Sale Agreement to sell the improvements to the following named Developer on or after August 12, 2003:

**JORDAN HOUSING CORPORATION**  
A California nonprofit public benefit corporation

The Redevelopment Agency has prepared a report pursuant to Section 33433 of the California Community Redevelopment Law. Interested persons may inspect and/or purchase copies of the report at the following address: San Francisco Redevelopment Agency, 770 Golden Gate Avenue, San Francisco, California, 94114.

Gloria L. Young, Clerk of the Board



# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

## AGENDA



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AUG 06 2003

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PUBLIC LIBRARY

Legislative Chamber - Second Floor  
City Hall, 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

Tuesday, August 12, 2003 2:00 PM

### Regular Meeting

MATT GONZALEZ, PRESIDENT  
TOM AMMIANO, CHRIS DALY, BEVAN DUFTY, TONY HALL,  
FIONA MA, SOPHIE MAXWELL, JAKE MCGOLDRICK,  
GAVIN NEWSOM, AARON PESKIN, GERARDO SANDOVAL

Gloria L. Young, Clerk of the Board

Agendas of the Board of Supervisors are available on the internet at [www.ci.sf.ca.us/bdsupvrs](http://www.ci.sf.ca.us/bdsupvrs)

### BOARD COMMITTEES

#### Committee Membership

##### **Budget Committee**

Supervisors Daly, Peskin, Maxwell, Ma, Gonzalez

##### **City and School District Select Committee**

Supervisors Maxwell, Ammiano, Ma, Commissioners Cruz, Sanchez, Kelly

##### **City Services Committee**

Supervisors Dufty, Ma, Newsom

##### **Finance and Audits Committee**

Supervisors Peskin, Sandoval, McGoldrick

##### **Land Use Committee**

Supervisors McGoldrick, Maxwell, Ammiano

##### **Rules Committee**

Supervisors Hall, Dufty, Gonzalez

#### Meeting Days

Thursday

1:00 PM

2nd Monday, bi-monthly

Thursday

9:30 AM

Wednesday

12:30 PM

Monday

1:00 p.m.

Wednesday

9:30 AM

## Board Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4) standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

Agenda are available on the internet at [www.sfgov.org/bdsupvrs.bos.htm](http://www.sfgov.org/bdsupvrs.bos.htm).

THE AGENDA PACKET IS AVAILABLE AT CITY HALL, ROOM 244, RECEPTION DESK.

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 557-4293.

Results of each Board meeting can be obtained about a half hour after the end of the meeting by telephoning (415) 554-5555.

Requests for language translation at a meeting must be received no later than noon the Friday before the meeting. Contact Ohn Myint at (415) 554-7704.

AVISO EN ESPAÑOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia del viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

**翻譯 必須在會議前最少四十八小時提出要求  
請電 (415) 554-7701**

## Disability Access

The Legislative Chamber of the Board of Supervisors is in Room 250 of City Hall, 1 Dr. Carlton B. Goodlett Place. The Chamber is wheelchair accessible.

The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex.

All meetings are real-time captioned and are cablecast open-captioned on SF Cable 26.

The following services are available when requests are made by 4:00 p.m. of the Friday before the Board meeting. This advance notice will help ensure availability.

- For American Sign Language interpreters or use of a reader during a meeting, contact Ohn Myint at (415) 554-7704.

- For a large print copy of agenda or minutes in alternative formats, contact Annette Lonich at (415) 554-7706.

Assistive listening devices are available from the receptionist in the Clerk of the Board's Office, Room 244, prior to the meeting.

The Clerk of the Board's Office TTY number is (415) 554-5227.

In order to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

### **Know Your Rights Under the Sunshine Ordinance**

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Donna Hall by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at [Donna.Hall@sfgov.org](mailto:Donna.Hall@sfgov.org)

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Ms. Hall or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine.htm>

### **Lobbyist Registration and Reporting Requirements**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site [www.sfgov.org/ethics](http://www.sfgov.org/ethics)

## ROLL CALL AND PLEDGE OF ALLEGIANCE

## APPROVAL OF MEETING MINUTES

*Motion to approve the June 24, 2003 Board Minutes.*

## AGENDA CHANGES

## COMMUNICATIONS

*Note: Each item on the Consent or Regular agenda may include the following documents:*

- 1) Legislation*
- 2) Budget Analyst report*
- 3) Legislative Analyst report*
- 4) Department or Agency cover letter and/or report*
- 5) Public correspondence*

*These items will be available for review at City Hall, Room 244, Reception Desk.*

## CONSENT AGENDA

*All matters listed hereunder constitute a Consent Agenda, are considered to be routine by the Board of Supervisors and will be acted upon by a single roll call vote of the Board. There will be no separate discussion of these items unless a member of the Board so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.*

### Items 1 through 25

### Recommendation of the Budget Committee

*Present: Supervisors Daly, Maxwell, Ma*

1. 030637 **[Extending Redevelopment Agency's Times for Incurring and Repaying Debt]**  
Ordinance approving, for the redevelopment plans listed below, the elimination of the existing time limits in each plan for establishment of loans, advances and indebtedness: (1) the Western Addition Area A-2 Redevelopment Plan, (2) the Yerba Buena Center Redevelopment Plan, (3) the Rincon Point - South Beach Redevelopment Plan, and (4) the Embarcadero-Lower Market (Golden Gateway) Redevelopment Plan.  
(Mayor)  
5/2/03: Exempt from CEQA Non-physical exemption CEQA Guidelines Section 15060(c)(8) and Section 15378; Fiscal impact.

7/29/2003, PASSED, ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

**Recommendations of the City Services Committee**

*Present: Supervisors Dufty, Ma, Newsom*

2. 031176 [Reduce sexual risk for HIV transmission in substance using men who have sex with men]  
Supervisor Dufty  
Resolution authorizing the San Francisco Department of Public Health (SFPDH) to enter retroactively into an agreement in the amount of \$127,961 with Public Health Foundation Enterprises Inc. (PHFE), the primary contractor, to reduce the sexual risk for HIV transmission in substance using men who have sex with men (SU-MSM), for the period of September 1, 2002, to August 31, 2003.  
(Public Health Department)  
(No Public Benefit Recipient.)
- Question: Shall this Resolution be ADOPTED?
3. 031178 [Renew Revolving Loan Funds Agreement with State]  
Supervisor Dufty  
Resolution authorizing the Office of the District Attorney to renew its current agreement with the California Victim Compensation and Government Claims Board, an agent of the State of California, for a revolving loan fund in the amount of \$75,000 to be used to pay for verified funeral/burial expenses and emergency relocation for victims of domestic violence and sexual assault.  
(District Attorney)  
(No Public Benefit Recipient.)
- Question: Shall this Resolution be ADOPTED?
4. 031180 [Collaborative research study to evaluate the effectiveness of different approaches for reducing the transmission risk behaviors of HIV-infected patients, year 2]  
Supervisor Dufty  
Resolution authorizing the San Francisco Department of Public Health (SFPDH) to enter retroactively into an agreement in the amount of \$71,992 with The Regents of the University of California San Francisco (UCSF), the primary contractor, for a collaborative study of prevention for HIV-positive persons under the second year of an award from the DHHS Centers for Disease Control and Prevention (CDC); for the period of September 30, 2002 to September 29, 2003.  
(Public Health Department)  
(No Public Benefit Recipient.)
- Question: Shall this Resolution be ADOPTED?
5. 031182 [Grants Federal Funds - Municipal Railway]  
Supervisor Dufty  
Resolution authorizing the Municipal Transportation Agency (MTA) Board of Directors to accept and expend \$990,029 of Federal Earmarked Capital Assistance for Design and Construction of Muni's Central Control Facility.  
(Municipal Transportation Agency)
- Question: Shall this Resolution be ADOPTED?

6. 031210 [Contract approval - Municipal Transportation Quality Review]  
Resolution approving the award and execution of San Francisco Municipal Railway Contract Number CCO 02-866, Municipal Transportation Quality Review, to Nelson\Nygaard Consulting Associates, to conduct the Quality Review required under Charter Section 8A.107, for a total contract amount not to exceed \$49,489, and for a term not to exceed one year with an option to extend up to an additional two years to cover the next review period.  
(Municipal Transportation Agency)  
(No Public Benefit Recipient.)
- Question: Shall this Resolution be ADOPTED?
7. 031212 [Agreement - Informatix, Inc. and CCSF]  
Resolution approving the Agreement between Informatix, Inc. and City of County of San Francisco for computer consulting services necessary to implement the Computer Assisted Support Enforcement System (CASES) Consortium for forty one California counties, including San Francisco.  
(Child Support Services)  
(No Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

### **Recommendations of the Finance and Audits Committee**

*Present: Supervisors Peskin, Sandoval, McGoldrick*

8. 031195 [Memorandum of Understanding re PERS Contract Amendment]  
Mayor, Supervisors Sandoval, Ma, Dufty  
Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives' Association regarding the amendment of the contract with the Public Employees' Retirement System to provide the County's Sheriffs with the retirement benefits known as 3% @ 55.  
(Mayor)
- 7/29/2003, PASSED, ON FIRST READING.  
Question: Shall this Ordinance be FINALLY PASSED?
9. 030743 [Lease, Parking Agreement and Negative Declaration for Piers 1½, 3 and 5]  
Supervisor Peskin  
Resolution approving and authorizing a 66-year Lease with San Francisco Waterfront Partners, LLC for Piers 1½, 3 and 5, Approving Related Parking Agreement, and Adopting Findings of Mitigated Negative Declaration pursuant to California Environmental Quality Act.  
(Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?



10. 030890 [Lease Agreement with Imperial Parking]  
Resolution approving lease agreement with Imperial Parking (U.S.), and the City and County of San Francisco operating by and through the San Francisco Port Commission to operate a surface parking lot at Seawall Lot 330, Embarcadero between Bryant and Beale Streets.  
(Port)  
(No Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

**Recommendations of the Land Use Committee**

*Present: Supervisors McGoldrick, Maxwell, Ammiano*

11. 031165 [STOP Intersections]  
Resolution designating certain intersections as "STOP" intersections.  
  
STOP SIGNS - ESTABLISH  
38th Avenue and Irving Street, stopping Irving Street at 38th Avenue, making this an all-way STOP;  
22nd Avenue and Ortega Street, stopping Ortega Street at 22nd Avenue, making this an all-way STOP; and 21st Avenue and Irving Street, stopping Irving Street at 21st Avenue, making this an all-way STOP.  
(Parking and Traffic Department)  
(6/27/03: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2652; No Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

12. 031166 [Traffic Regulations, Various Streets]  
Resolution enacting and rescinding traffic regulations on various streets.  
  
LEFT LANE MUST TURN LEFT EXCEPT MUNI - ESTABLISH  
19th Avenue, northbound, at Junipero Serra Boulevard.  
  
ONE WAY STREET (NORTHBOUND) - ESTABLISH  
Guttenberg Street, between Hanover and Mission Streets.  
  
LEFT LANE MUST TURN LEFT - ESTABLISH  
7th Avenue, northbound, at Lawton Street.  
(Parking and Traffic Department)  
(6/27/03: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2652; No Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

## 13. 031167 [Parking Regulations, Various Locations]

Resolution enacting and rescinding parking regulations at various locations.

TAXI ZONE - ESTABLISH

4th Street, west side, from Minna Street to 150 feet southerly (150-foot Taxi Zone).

TOW-AWAY LANE MUST TURN RIGHT - ESTABLISH

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH

4th Street, southbound, from 150 feet south of Minna Street to Howard Street.

TOUR BUS LOADING ZONE - ESTABLISH

Howard Street, north side, from 120 feet to 445 feet west of 4th Street (325-foot white zone).

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH

Howard Street, north side, from 4th Street to 120 feet westerly.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH

Howard Street, north side, from 445 feet to 570 feet west of 4th Street (125-foot zone).

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH

Minna Street, south side, from 4th Street to 615 feet westerly.

NO PARKING ANYTIME - REVOKE

Minna Street, south side, from 230 feet west of 4th Street to 385 feet westerly (385-foot zone).

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH

Turk Street, south side, from Divisadero Street to 95 feet westerly.

RESIDENTIAL PERMIT PARKING AREA "J" (2-HOUR TIME LIMIT, 7 AM - 9 PM,  
MONDAY THROUGH SUNDAY) - ESTABLISH

Shrader Street, both sides, between Haight and Page Streets.

TOW-AWAY, NO STOPPING ANYTIME - RESCIND

7th Avenue, east side, from 40 feet to 180 feet north of Lawton Street.

RESIDENTIAL PERMIT PARKING AREA "N" (2-HOUR TIME LIMIT, 9 AM - 6 PM,  
MONDAY THROUGH FRIDAY) - ESTABLISH

Funston Avenue, west side, between Clement Street and Geary Boulevard (300 block).

2-HOUR PARKING TIME LIMIT, 7 AM TO 6 PM, EXCEPT SUNDAY - RESCIND

RESIDENTIAL PERMIT PARKING AREA "N" (2-HOUR TIME LIMIT, 9 AM - 6 PM,  
MONDAY THROUGH FRIDAY) - ESTABLISH

14th Avenue, east side, between Clement Street and Geary Boulevard.

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH

Cesar Chavez Street south side, from 200 feet to 295 feet east of Kansas Street (in front of 2323 Cesar Chavez Street); and

Cesar Chavez Street, south side, from 402 feet to 638 feet east of Kansas Street (in front of 2323 Cesar Chavez Street).

RESIDENTIAL PERMIT PARKING AREA "R" (2-HOUR TIME LIMIT, 9 AM - 6 PM,  
MONDAY THROUGH SATURDAY) - ESTABLISH  
Turk Street, north side, between Buchanan and Laguna Streets;  
Laguna Street, west side, between Eddy and Turk Streets;  
Eddy Street, both sides, between Buchanan and Laguna Streets; and  
Larch Way, both sides, between Buchanan and Laguna Streets.

Note: Larch Way is a private drive within the Yerba Buena Plaza East Housing Development that will not be signed, but residents will be eligible for permits.

RESIDENTIAL PERMIT PARKING AREA "Z" (2-HOUR TIME LIMIT, 8 AM - 6 PM,  
MONDAY THROUGH FRIDAY) - ESTABLISH  
Church Street, both sides, between 26th and Clipper Streets (1300 block).

45-DEGREE ANGLED PARKING - ESTABLISH  
2600 Block of Harrison Street, east side, from 23rd Street to a point 187 feet south of 22nd Street  
(approximately 20 feet south of existing bicycle lane)

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH  
Ritch Street, east side, from 92 feet to 131 feet north of Brannan Street; and  
Ritch Street, east side, from 165 feet to 196 feet north of Brannan Street.

TOW-AWAY, NO STOPPING ANYTIME - RESCIND  
TOW-AWAY, NO STOPPING DURING CANDLESTICK PARK EVENTS - ESTABLISH  
Jamestown Avenue, south side, between Ingalls and Redondo Streets.

COMPACT VEHICLES ONLY - ESTABLISH  
Northern end of 20th Avenue, north of Lake Street, from west curb to 20 feet easterly (two spaces  
perpendicular to terminus).  
(Parking and Traffic Department)  
(6/27/03: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and  
parking regulations where such changes do not establish a higher speed limit or result in more than a  
negligible increase in the use of the street; DPT Order No. 2652; No Public Benefit Recipient.)

**Question: Shall this Resolution be ADOPTED?**

### **Recommendations of the Rules Committee**

*Present: Supervisors Hall, Dufty, Gonzalez*

14. 031078 [Settlement of Lawsuit - John Darmanin]  
Ordinance authorizing settlement of the lawsuits filed by John Darmanin against the City and County of San Francisco for \$80,000; the lawsuits were filed on February 19, 1999 (H-19 Reinstatement) and February 5, 2003 (Enforcement of Judgment), in the San Francisco Superior Court, Case Nos. 301-118 and 502-410; entitled John Darmanin, et al. v. City and County of San Francisco, et al., and San Francisco Fire Fighters Local 798, et al. v. Demmons, et al.  
(City Attorney)  
(Public Benefit Recipient.)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

15. 031079 [Settlement of Lawsuit - John Darmanin]  
Ordinance authorizing settlement of the lawsuit filed by John Darmanin against the City and County of San Francisco for \$105,000; the lawsuit was filed on December 29, 1997, in the United States District Court, Northern District of California, Case No. C 97-4703; entitled John Darmanin, et al., v. City and County of San Francisco, et al.  
(City Attorney)  
(Public Benefit Recipient.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

16. 031177 [Settlement of Lawsuit - John Eiler]  
Ordinance authorizing settlement of the lawsuit filed by John Eiler against the City and County of San Francisco for \$300,000; the lawsuit was filed on March 15, 2002 in San Francisco Superior Court, Case No. 02-405687; entitled John Eiler, et al., v. James Strain, City and County of San Francisco, et al.  
(City Attorney)  
(Public Benefit Recipient.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

17. 031179 [Settlement of Lawsuits - Regents of the University of California and University of California, Hastings College of the Law]  
Ordinance approving the settlement of the following lawsuits: (1) Regents of the University of California v. City and County of San Francisco, San Francisco Superior Court Case No. 311005, filed March 24, 2000; (2) Regents of the University of California v. City and County of San Francisco, San Francisco Superior Court Case No. 324662, filed September 18, 2001; (3) University of California, Hastings College of the Law v. City and County of San Francisco, San Francisco Superior Court Case No. 400550, filed October 24, 2001; and (4) Regents of the University of California and University of California, Hastings College of the Law v. City and County of San Francisco, San Francisco Superior Court Case No. 414027, filed October 24, 2002. These settlements result in payment by the City in an undetermined amount not to exceed \$155,000; potential payment by the City of an additional amount to be determined; and an agreement on the maximum future water and sewer rate charges to plaintiffs for the next three fiscal years.  
(City Attorney)  
(Public Benefit Recipient.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

18. 030606 [Appointment]  
Resolution appointing Karen Cohn, term ending June 30, 2005 to the Asthma Task Force. Residency requirement waived.  
Karen Cohn, (residency requirement waived) succeeding Jennifer Mann, seat 20, must be a representative of the Department of Public Health and is a voting member, for the unexpired portion of a two year term ending June 30, 2005.

Question: Shall this Resolution be ADOPTED?

**19. 030750 [Appointment]**

Resolution appointing Madison Kilpatrick, Scott Williams, L. Michael Costas, Richard Morten, Lori Yamauchi, Reed Benet, Theresa Feely, Joe Raguso, Dr. Mike Le, Karen Pierce, Janice Bolaffi, Peter Cohen, and Corinne Woods, terms to be determined, to the Biosciences Task Force.

Madison Kilpatrick, new position, seat 1, must be from a business association for a term to be determined.

Scott Williams, new position, seat 2, have expertise in the bioscience industry for a term to be determined.

L. Michael Costas, new position, seat 3, must be from a bioscience company for a term to be determined.

Richard Morten, new position, seat 4, must be from an urban planning association for a term to be determined.

Lori Yamauchi, new position, seat 5, must be from an educational institution with expertise in the biosciences and bioscience industry for a term to be determined.

Reed Benet, new position, seat 7, must be from a private real estate firm that represents companies seeking bioscience space in the Bay Area for a term to be determined.

Theresa Feely, new position, seat 8, must be from an organization that specializes in job training and placement for a term to be determined.

Joe Raguso, new position, seat 10, must represent a neighborhood organization from the South of Market for a term to be determined.

Dr. Mike Le, new position, seat 11, must represent a neighborhood organization from Potrero Hill/Dogpatch for a term to be determined.

Karen Pierce, new position, seat 12, must represent a neighborhood organization in Bayview Hunters Point for a term to be determined.

Janice Bolaffi, new position, seat 14, must represent a neighborhood organization in the City and County of San Francisco for a term to be determined.

Peter Cohen, new position, seat 15, must represent a neighborhood organization in the City and County of San Francisco for a term to be determined.

Corinne Woods, new position, seat 16, must represent a neighborhood organization in the City and County of San Francisco for a term to be determined.

**Question: Shall this Resolution be ADOPTED?**

**20. 031024 [Appointment]**

Resolution appointing Rebecca Anne Turner, term ending January 31, 2004 to the Mental Health Board.

Rebecca Anne Turner, succeeding Richard Nazzardini, resigned, seat 15, must be a health professional, for the unexpired portion of a three year term ending January 31, 2004.

**Question: Shall this Resolution be ADOPTED?**

*Present: Supervisors Hall, Duffy*

21. 031084 [Appointment]  
Resolution appointing Walter DeVaughn, term ending September 30, 2005 to the Adult Day Health Care Planning Council.  
Walter DeVaughn, succeeding himself, term expired, seat 1, must be a person over 55 years of age who has a demonstrated interest in the special health and social needs of the elderly and who is representative of organizations dedicated primarily to the needs of older persons, including those of low income and racial and ethnic minorities, for a three year term ending September 30, 2005.

**Question: Shall this Resolution be ADOPTED?**

22. 031190 [Appointment]  
Resolution appointing Marylouise Lovett, term ending March 31, 2004 to the Commission on Aging Advisory Council.  
Marylouise Lovett, succeeding Reeva Olsen, resigned, seat 3, must be a nominee of Supervisor Maxwell for the unexpired portion of a two-year term ending March 31, 2004.

**Question: Shall this Resolution be ADOPTED?**

*Present: Supervisors Hall, Duffy, Gonzalez*

23. 031199 [Reappointment of Sunil Daluvoy to the Telecommunications Commission]  
Mayor  
Resolution confirming the reappointment of Sunil Daluvoy to the Telecommunications Commission, term ending July 1, 2006.  
(Mayor)

**Question: Shall this Resolution be ADOPTED?**

*Present: Supervisors Hall, Duffy*

24. 031200 [Reappointment of Kimberlee Bogen to the Telecommunications Commission]  
Mayor  
Resolution confirming the reappointment of Kimberlee Bogen to the Telecommunications Commission, term ending July 1, 2006.  
(Mayor)

**Question: Shall this Resolution be ADOPTED?**

- 25.031231
- [Appointment]**

Resolution appointing Ellouise Patton, term ending September 4, 2006 to the Delinquency Prevention Commission.

Ellouise Patton, succeeding Enola Maxwell, deceased, seat 10, must be nominated by District 10 Supervisor for the unexpired portion of a 4-year term ending September 4, 2006.

**Question: Shall this Resolution be ADOPTED?**

*Questions on the Consent Agenda are on final passage, first reading, or adoption, as indicated:*\_\_\_\_\_

## REGULAR AGENDA

## UNFINISHED BUSINESS

### From the Clerk

26. 031306 [Adopting findings related to the conditional use appeal on property located at 40-50 Lansing Street]  
Motion adopting findings related to the appeal of the Planning Commission's approval of Conditional Use Application No. 2002.0446CEV (which allowed the construction of an 84-foot tall residential building within an R (Residential) District pursuant to Planning Code Section 152, and allowed the construction of a building with full lot coverage in the Rincon Hill Special Use District pursuant to Planning Code Section 249.1(b)(1)(C) in an RC-4 District, an 84-R Height and Bulk District and the Rincon Special Use District/Residential Subdistrict) on property located at 40-50 Lansing Street (a.k.a. 35 Guy Place) (Lot 11 in Assessor's Block 3749).  
(Clerk of the Board)  
(Companion measure to Files 031037, 031038, 031039, 031040, 031090.)  
  
7/29/2003, REFERRED to Board of Supervisors.  
**Question: Shall this Motion be ADOPTED?**
27. 031335 [Adopting findings related to the appeal of the CEQA determination by the Planning Department for the Secondary Unit Ordinance]  
Motion adopting findings related to the appeal of the determination by the Planning Department that the Secondary Unit Ordinance is exempt/excluded from the California Environmental Quality Act.  
(Clerk of the Board)  
  
8/1/2003, REFERRED to Board of Supervisors.  
**Question: Shall this Motion be ADOPTED?**



## NEW BUSINESS

### Recommendations of the City Services Committee

*Present: Supervisors Dufty, Ma*

28. 031105 [Amending Police Code Sections 4302 and 4303 to Define Harassment]  
Supervisors Peskin, Ma, Maxwell, Daly, Ammiano, Dufty, Gonzalez, Hall  
Ordinance amending Police Code Sections 4302 and 4303 to (1) eliminate the requirement that before they may be protected from harassment, persons seeking access to health care facilities invoke a "buffer zone" by declaring to protestors a desire to be left alone; and (2) to define harassment of a person seeking access to a health care facility as the non-consensual and knowing approach within eight feet of another person for purposes of passing a leaflet or handbill to, display a sign to, or engage in oral protest, education or counseling with such other person in a public way or on a sidewalk area within one hundred feet of a health care facility.  
(No fiscal impact.)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

*Present: Supervisors Dufty, Ma, Newsom*

29. 031076 [Support of Proposed Skate Park at Potrero del Sol Park]  
Supervisors Newsom, Dufty, Ma  
Resolution supporting the Skateboarding Task Force and the Recreation and Park Department's recommendation to build a skate park at the Potrero del Sol Park; and urging the Department to improve bathroom facilities at the Park.  
(No fiscal impact.)

6/17/2003, REFERRED to City Services Committee.

**Question: Shall this Resolution be ADOPTED?**

30. 031138 [Liquor Licenses, 399 4th Street]  
Resolution determining that the transfer of a Type 20 off-sale beer and wine alcoholic beverage control license from 5423 Geary Boulevard to 399 4th Street for Whole Foods Market California, Inc. dba "Whole Foods Market"(District 6), and issuance of a Type 42 on-sale beer and wine public premises license to the same applicant, will serve the convenience of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code.

**Question: Shall this Resolution be ADOPTED?**

**Recommendation of the Finance and Audits Committee**

*Present: Supervisors Peskin, Sandoval, McGoldrick*

31. 030848 [General Assistance-In-kind Assistance]  
Supervisors Newsom, Duffy, Sandoval, McGoldrick, Peskin  
Ordinance modifying the City's General Assistance (GA) Program by amending San Francisco Administrative Code Sec. 20.57 to reflect the current grant amount; amending Administrative Code Sec. 20.59.3 to provide in-kind housing, utilities and meals to homeless applicants and recipients; amending Administrative Code Sec. 20.57.1 to value housing, utilities and meals provided to homeless recipients as in-kind assistance; adding Administrative Code Sec. 20.57.6A. to provide a special needs allowance to homeless recipients; adding Administrative Code Sec. 20.60.12 to establish a baseline GA budget; adding Administrative Code Sec. 20.60.13 to require a Controller's evaluation; adding Administrative Code Sec. 20.60.14 to establish an operative date for these amendments of on or before July 1, 2003.

7/8/2003, CONTINUED. Continued to July 15, 2003

7/15/2003, REFERRED to Finance and Audits Committee.

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

**From the Finance and Audits Committee "Without Recommendation"**

*Present: Supervisors Peskin, Sandoval, McGoldrick*

32. 031361 [General Assistance-In-Kind Assistance; Department of Human Services Care Fund]  
Supervisor Hall  
Ordinance modifying the City's General Assistance (GA) Program by amending San Francisco Administrative Code Sec. 20.57 to reflect the current grant amount; amending Administrative Code Sec. 20.59.3 to provide in-kind housing, utilities and meals to homeless applicants and recipients; amending Administrative Code Sec. 20.57.1 to value housing, utilities and meals provided to homeless recipients as in-kind assistance; adding Administrative Code Sec. 20.57.6A. to provide a special needs allowance to homeless recipients; adding Administrative Code Sec. 20.60.12 to establish a baseline GA budget; adding Administrative Code Sec. 20.60.13 to require a Controller's evaluation; adding Administrative Code Sec. 20.60.14 to establish an operative date for these amendments of on or before July 1, 2003; and amending the San Francisco Administrative Code by adding Section 10.100-77, to establish a Department of Human Services Care Fund, defining terms, identifying revenues, restricting permissible uses, providing for verification and adjustment of appropriations, and limiting expenditures in excess of the fund cap.  
Supervisor McGoldrick dissenting.

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

**Recommendations of the Finance and Audits Committee**

*Present: Supervisors Peskin, Sandoval, McGoldrick*

33.      031238    **[Establishing a Department of Human Services Care Fund]**  
Supervisors Hall, Newsom  
Ordinance amending the San Francisco Administrative Code by adding Section 10.100-77, to establish a Department of Human Services Care Fund, defining terms, identifying revenues, restricting permissible uses, providing for verification and adjustment of appropriations, and limiting expenditures in excess of the fund cap.  
(Fiscal impact.)
- Question: Shall this Ordinance be PASSED ON FIRST READING?
34.      031240    **[Establishing Cash for Care Special Account]**  
Supervisor McGoldrick  
Ordinance amending Section 10.100 of the San Francisco Administrative Code to establish the Cash for Care Special Account to receive, administer and fund programs for the homeless of San Francisco.  
(Fiscal impact.)
- Question: Shall this Ordinance be PASSED ON FIRST READING?
35.      031241    **[Expanding Eligibility to Participate in Annual Joint Fundraising Drive]**  
Supervisor McGoldrick  
Ordinance amending Section 16.93-2 of the San Francisco Administrative Code to allow the Cash for Care Special Account to participate in the annual joint fundraising drive.
- Question: Shall this Ordinance be PASSED ON FIRST READING?
36.      031245    **[Amendment No. 1 to 2003-2005 MOU, Cement Masons, Local 580]**  
Mayor  
Ordinance adopting and implementing Amendment No. 1 to the 2003-2005 Memorandum of Understanding between the Cement Masons, Local 580 and the City and County of San Francisco by amending Article III.O. to correct a clerical omission by inserting a Long-Term Disability provision.  
(Mayor)
- Question: Shall this Ordinance be PASSED ON FIRST READING?
37.      031170    **[Airport Lease with U.S. Government for office space]**  
Resolution approving, retroactive to November 1, 2002, a Lease with the U.S. Government for office space to be occupied by the Transportation Security Administration at the International Terminal.  
(Airport Commission)  
(Public Benefit Recipient.)
- Question: Shall this Resolution be ADOPTED?

## Recommendations of the Land Use Committee

*Present: Supervisors McGoldrick, Maxwell, Ammiano*

38. 031211 [Changing Official Width of Sidewalk]  
Ordinance Amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section No. 1560 to change the official sidewalk width on the west side of Illinois Street between 18th and 19th Streets; making findings pursuant to the General Plan and Planning Code Section 101.1; and addressing relocation, modification, or both of facilities affected by the sidewalk width changes.  
(Public Works Department)  
(No Public Benefit Recipient.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

39. 031202 [Sublease Amendment with the John Stewart Company related to Treasure Island Housing] Mayor  
Resolution approving and authorizing the Executive Director for the Treasure Island Development Authority to enter into an amendment to a sublease with the John Stewart Company to change the premises, to adjust the rent schedule and to adjust the development fee.  
(Mayor)  
(No Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

40. 031203 [Sublease Amendment with Community Housing Partnership for Treasure Island Housing] Mayor  
Resolution approving and authorizing the Executive Director for the Treasure Island Development Authority to enter into an amendment to a sublease with Community Housing Partnership to amend the premises to include six additional housing units.  
(Mayor)  
(No Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

## Recommendations of the Rules Committee

*Present: Supervisors Hall, Dufty, Gonzalez*

41. 030483 [Recognition of marriages, domestic partnerships and civil unions] Supervisors Daly, Dufty  
Ordinance amending Chapter 62 of the Administrative Code by adding Section 62.10 to extend recognition of domestic partnerships, civil unions, and other similar legal relationships to persons who lawfully enter into these agreements in other jurisdictions.

Question: Shall this Ordinance be PASSED ON FIRST READING?

*Present: Supervisors Hall, Dufty*

42.        021951    [Establishing Multi-disciplinary Task Force on Childhood Nutrition]  
                     Supervisors Maxwell, Hall, Dufty  
                     Resolution establishing a multi-disciplinary task force on childhood nutrition and physical activity.

**Question: Shall this Resolution be ADOPTED?**

**SPECIAL ORDER 3:00 P.M.****Board of Supervisors Sitting as a Committee of the Whole**

43. 031209 [Hearing - Ground Lease of Redevelopment Agency Land for Jordan Apartments]  
Hearing of persons interested in or objecting to proposed resolution approving (1) a ground lease of land at 820 O'Farrell Street (Assessor's Block 0716, Lot 003) from the San Francisco Redevelopment Agency to Jordan Housing Corporation, a California nonprofit public benefit corporation ("JHC"), for \$1.00 per year plus \$129,999 per year of deferred rent for sixty-five (65) years with an option to renew for an additional thirty-four (34) years, and (2) the sale of improvements thereon for \$2,050,000 to JHC for the purpose of rehabilitating, owning and operating housing for very low income households.  
(Clerk of the Board)

Action: \_\_\_\_\_

*Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.*

**Committee of the Whole Rise and Report Without Recommendation**

44. 031208 [Ground Lease of Redevelopment Agency Land for Jordan Apartments]  
Mayor  
Resolution approving (1) a ground lease of land at 820 O'Farrell Street (Assessor's Block 0716, Lot 003) from the San Francisco Redevelopment Agency to Jordan Housing Corporation, a California nonprofit public benefit corporation ("JHC"), for \$1.00 per year plus \$129,999 per year of deferred rent for sixty-five (65) years with an option to renew for an additional thirty-four (34) years, and (2) the sale of improvements thereon for \$2,050,000 to JHC for the purpose of rehabilitating, owning and operating housing for very low income households.  
(Fiscal impact.)

Question: Shall this Resolution be ADOPTED?

**SPECIAL ORDER 3:00 P.M.**

45. 031265 [Appeal, Mitigated Negative Declaration - 2026 Lombard Street]  
Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No. 16595 adopted June 12, 2003, approving a mitigated negative declaration for the proposed development at 2026 Lombard Street.  
(Appeal filed July 14, 2003 by Stephen M. Williams, Esq.; companion measure to Files 031266, 031267, 031268.)

Action: \_\_\_\_\_

*Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.*

**From the Clerk****(Only one of the following two motions should be adopted.)**

46. 031266 [Affirming adoption of the negative declaration for 2026 Lombard Street]  
Motion affirming the Planning Commission adoption of the negative declaration for 2026 Lombard Street.  
(Clerk of the Board)

Question: Shall this Motion be ADOPTED?

47. 031267 [Reversing adoption of the negative declaration for 2026 Lombard Street]  
Motion reversing the Planning Commission adoption of the negative declaration for 2026 Lombard Street.

Question: Shall this Motion be ADOPTED?

48. 031268 [Preparation of findings to reverse adoption of the negative declaration for 2026 Lombard Street]  
Motion directing the Clerk of the Board to prepare findings reversing the Planning Commission adoption of the negative declaration for 2026 Lombard Street Project.  
(Clerk of the Board)

Question: Shall this Motion be ADOPTED?

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**SPECIAL ORDER 3:00 P.M.**

49. 031232 [Public Hearing - Appeal, Conditional Use - 2026 Lombard Street]  
Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No. 16596 dated June 12, 2003 approving a conditional use authorization, Case No. 2002.0497C, to allow the construction of an approximately 49,000 square foot 97 room tourist hotel with 78 off-street parking spaces on a lot containing approximately 13,600 square feet, pursuant to Planning Code Sections 712.11, 712.21, 712.55 and 303, in an NC-3 (Moderate Scale Neighborhood Commercial) District and a 40-X Height and Bulk District, located at 2026 Lombard Street, north side between Fillmore and Webster Streets, Lot 025 in Assessor's Block 0492.  
(Appeal filed July 14, 2003 by Stephen M. Williams, Esq. The project received a Preliminary Mitigated Negative Declaration (PMND) from the Planning Department on March 29, 2003. The PMND was appealed; Planning upheld the PMND on June 12, 2003; companion measure to Files 031232, 031233, 031234, 031235, 031236; District 2).

Action: \_\_\_\_\_

*Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.*

**From the Clerk****(Only one of the following two motions should be adopted.)**

50. 031233 [Appeal, Conditional Use - 2026 Lombard Street]  
Motion approving decision of the Planning Commission by its Motion No. 16596 approving Conditional Use Application No. 2002.0497C, on property located at 2026 Lombard Street, and adopting findings pursuant to Planning Code Section 101.1.  
(Clerk of the Board)

Question: Shall this Motion be ADOPTED?

51. 031234 [Appeal, Conditional Use - 2026 Lombard Street]  
Motion disapproving decision of the Planning Commission by its Motion No. 16596 approving Conditional Use Application No. 2002.0497C, on property located at 2026 Lombard Street, and adopting findings pursuant to Planning Code Section 101.1.  
(Clerk of the Board)

Question: Shall this Motion be ADOPTED?



52. 031236 [Environmental Review - 2026 Lombard Street]  
Motion certifying review of Final Mitigated Negative Declaration relating to proposed Conditional Use of property at 2026 Lombard Street.  
(Clerk of the Board)

Question: Shall this Motion be ADOPTED?

53. 031235 [Findings - 2026 Lombard Street]  
Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2002.0497C, on property located at 2026 Lombard Street, for action by the Board at its next meeting.  
(Clerk of the Board)

Question: Shall this Motion be ADOPTED?

## 54. ROLL CALL FOR INTRODUCTIONS

*Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, letters of request to the City Attorney and Board Members' reports on their regional body activities.*

## 55. PUBLIC COMMENT

*An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes.*

## CLOSED SESSION

## CONFERENCE WITH CITY ATTORNEY

### City as Defendant

56. 031347 [Closed Session - Existing Litigation, City as Defendant]

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following existing litigation in which, in sum, plaintiff challenges the constitutionality of the City's Minority/Women/Local Business Utilization Program.

Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1) permit this closed session. Discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the pending litigation listed below.

Schram Construction, Inc. v. San Francisco, S. F. Superior Court No. CGC 03 421249 (filed June 10, 2003)  
(City Attorney)

Action: \_\_\_\_\_

*After a closed session, if one occurs, the President shall (1) request the Deputy City Attorney to identify the subjects discussed in the closed session, and (2) direct the Clerk of the Board to report the vote taken on any motion in the closed session.*

*[Elect To Disclose]*

*Motion that the Board finds it is in the public interest to disclose information discussed in closed session, and directs the President immediately to disclose that information.*

*[Elect Not to Disclose]*

*Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations concerning the existing litigation listed above.*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

*These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.*

### Items 57 through 70

57. 031328 [Commending SF Clean City Coalition, SF Chamber of Commerce and the Department of Public Works]  
Supervisors Dufty, Ma  
Resolution commending the creation of a public-private partnership between the San Francisco Clean City Coalition, the San Francisco Chamber of Commerce and the Department of Public Works (DPW) for the development of an innovative performance evaluation program called StreetFacts. The Board of Supervisors encourages the Mayor, DPW, other city agencies, the San Francisco Clean City Coalition, and the San Francisco Chamber of Commerce to partner in the collection of StreetFacts data and in developing strategies towards the overall improvement of street cleanliness, beauty, and safety in San Francisco.

7/29/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

58. 031329 [Controller's Office to conduct comprehensive surveys regarding the effects of health and human service budget cuts]  
Supervisors Dufty, Daly, Ma  
Resolution requesting the City Controller's Office to conduct comprehensive surveys on the effect of any proposed and final health and human service budget cuts on San Franciscans receiving services from both faith and community-based non-profit contractors as well as City agencies, and on the alternatives to such services and the populations most affected by these service cuts.

7/29/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

59. 031331 [Opposing Proposition 54]  
Supervisors Sandoval, Ammiano, Gonzalez  
Resolution opposing Proposition 54 on the October 7, 2003 ballot which would bar most state agencies from collecting individual racial and ethnic data.

7/29/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

60. 031355 [Revenue bonds for the 601 King Street Apartments]  
Supervisor Maxwell  
Resolution authorizing the issuance and sale of revenue bonds by the ABAG Finance Authority for Nonprofit Corporation in an aggregate principal amount not to exceed \$49,800,000 for the 601 King Street Apartments.

8/6/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

61. 031356 [Multifamily housing revenue bonds for the Project as defined herein]  
Supervisor Daly  
Resolution authorizing the issuance and sale of multifamily housing revenue bonds by the California Statewide Communities Development Authority in an aggregate principal amount not to exceed \$30,000,000 for the Project (as defined herein).
- 8/6/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
62. 031358 [Commending Cathay Post No. 384]  
Supervisor Sandoval  
Resolution commending the Cathay Post No. 384 for increasing awareness about issues concerning Chinese American veterans and bringing recognition to their military service achievements.
- 8/6/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
63. 031359 ["Know your Rights Day"]  
Supervisor Sandoval  
Resolution urging the Board of Education to integrate a 'Know Your Rights Day' intended to educate students about their rights, into the San Francisco Unified School District's (SFUSD) schedule.
- 8/6/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
64. 031309 [Needle Exchange Emergency]  
Supervisors Ammiano, Newsom, Daly, Peskin, McGoldrick, Maxwell, Dufty  
Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.
- 7/29/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Motion be ADOPTED?
65. 031330 [Waiver Permitting City Employees to Assist the Department of Elections]  
Supervisor Gonzalez  
Motion granting a waiver from the prohibition imposed by Charter section 13.104.5, to permit City employees to assist the Department of Elections with the October 7, 2003, November 4, 2003, December 9, 2003 and March 2, 2004 elections.
- 7/29/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Motion be ADOPTED?

66. 031350 **[Final Map for a 5 Unit Residential Condominium Project]**  
Motion approving Final Map of 1171 Oak Street, A Residential Condominium Project, being a subdivision of Lot 26 in Assessor's Block No. 1218, and adopting findings pursuant to Planning Code Section 101.1.  
(Public Works Department)  
(No Public Benefit Recipient; DPW Order No. 174,300; District 8.)  
  
8/5/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
**Question: Shall this Motion be ADOPTED?**
67. 031351 **[Final Map for a 51 Unit Live/Work Condominium Project]**  
Motion approving Final Map of 200 Townsend Street Lofts, 200 Townsend Street, A Live/Work Condominium Project, being a subdivision of Lot 165 in Assessor's Block No. 3787, and adopting findings pursuant to Planning Code Section 101.1.  
(Public Works Department)  
(No Public Benefit Recipient; DPW Order No. 174,302; District 6.)  
  
8/5/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
**Question: Shall this Motion be ADOPTED?**
68. 031352 **[Final Map for a 24 Unit Live/Work Condominium Project]**  
Motion approving Final Map of 599 3rd Street, a Live/Work Condominium Project, being a subdivision of Lot 23 in Assessor's Block No. 3775, and adopting findings pursuant to Planning Code Section 101.1.  
(Public Works Department)  
(No Public Benefit Recipient; DPW Order No. 174,301; District 6.)  
  
8/5/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
**Question: Shall this Motion be ADOPTED?**
69. 031353 **[Final Map for an 8 Unit Live/Work Condominium Project]**  
Motion approving Final Map of 1025 Minna Street, a Live/Work Condominium Project, being a subdivision of Lot 110, Assessor's Block No. 3511, and adopting findings pursuant to Planning Code Section 101.1.  
(Public Works Department)  
(No Public Benefit Recipient, DPW Order No. 174,307; District 6.)  
  
8/5/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
**Question: Shall this Motion be ADOPTED?**
70. 031354 **[Final Map for a 16 Unit Residential Condominium Project]**  
Motion approving Final Map of 300 Linden Avenue, a Residential Condominium Project, being a subdivision of Lot 48, Assessor's Block No. 817, and adopting findings pursuant to Planning Code Section 101.1.  
(Public Works Department)  
(No Public Benefit Recipient; DPW Order No. 174,299; District 6.)  
  
8/5/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
**Question: Shall this Motion be ADOPTED?**

*Questions on the For Adoption Without Committee Reference  
Agenda*

## 71. IMPERATIVE AGENDA

*Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s).*

*[Serious Injury Finding]*

*Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."*

*[Purely Commendatory Finding]*

*Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.*

*[Brown Act Finding]*

*Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.*

*[Imperative Resolutions, if any]*

## OFF-AGENDA LEGISLATION

## PROPOSED ORDINANCES

*Proposed ordinances received from July 22, 2003 to August 4, 2003, for reference by President to appropriate committee on August 12, 2003.*

- 031333 [Making Environmental Findings and Increasing Street Artist Certificate Fee]  
Ordinance making required environmental findings and amending Article 24 of the San Francisco Police Code by amending Section 2404.1 to increase the fee for a Street Artist Certificate and amending Section 2404.2 to clarify the fee setting procedure.  
(Arts Commission)

7/30/2003, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031338 [Settlement of Lawsuit - Bellaire Tower Homeowners Association]**

Ordinance authorizing settlement of the lawsuit filed by Bellaire Tower Homeowners Association against the City and County of San Francisco for \$83,862.34; the lawsuit was filed on December 31, 2001 in San Francisco Superior Court, Case No. 402-355; entitled Bellaire Tower Homeowners Association, et al. v. City and County of San Francisco, et al.  
(City Attorney)  
(Public Benefit Recipient.)

8/4/2003, RECEIVED AND ASSIGNED to Rules Committee.

**PROPOSED RESOLUTIONS**

*Proposed resolutions received from July 22, 2003 to August 4, 2003, for reference by President to appropriate committee on August 12, 2003.*

**031253 [Contracting out Convention Facilities management, operation and maintenance services]**

Resolution concurring with the Controller's certification that Convention Facilities management, operation and maintenance services can be practically performed at Bill Graham Civic Auditorium and the Moscone Center by private contractor for a lower cost than similar work services performed by City and County employees.  
(Administrative Services Department)

7/23/2003, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031270 [Contracting out Paratransit Services]**

Resolution concurring with the Controller's determination that paratransit services for the Municipal Transportation Agency can be practically performed by a private contractor at a lower cost than by City and County employees.  
(Public Transportation Commission)  
(Public Benefit Recipient.)

7/25/2003, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031271 [Grant of Easements in Santa Clara County]**

Resolution authorizing the grant of easements to the Santa Clara Valley Transportation Authority over property in the County of Santa Clara under the jurisdiction of the San Francisco Public Utilities Commission; adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; adopting findings pursuant to the California Environmental Quality Act; authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution; and ratifying acts and authorizing actions in furtherance of this resolution.  
(Real Estate Department)  
(Public Benefit Recipient.)

7/25/2003, RECEIVED AND ASSIGNED to Finance and Audits Committee.



**031285 [Grant of Easements in San Mateo County]**

Resolution authorizing a grant of easements to the State of California over property in the County of San Mateo under the jurisdiction of the San Francisco Public Utilities Commission; adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; adopting findings pursuant to the California Environmental Quality Act; ratifying acts and authorizing actions in furtherance of this resolution; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution.

(Real Estate Department)

(Public Benefit Recipient.)

7/25/2003, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031307 [Extending provisional appointments]**

Resolution approving extension to June 30, 2004 of provisional appointments of employees in classifications 1270 Departmental Personnel Officer, 1272 Senior Departmental Personnel Officer, 1458 Legal Secretary I, 1460 Legal Secretary II, 1820 Junior Administrative Analyst, and 1932 Assistant Storekeeper.

(Human Resources Department)

(No Public Benefit Recipient.)

7/24/2003, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031332 [Real Property License Agreement]**

Resolution authorizing a City-wide 800 MHz Radio System license agreement at the VA Medical Center, 4150 Clement Street, San Francisco for the Emergency Communications Department.

(Real Estate Department)

(Public Benefit Recipient.)

7/30/2003, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031334 [Lease of Real Property]**

Resolution authorizing a lease renewal of 1,496 sq. ft. for an Optometrist Office at 34 Van Ness Avenue, a City owned building commonly known as 30 Van Ness.

(Real Estate Department)

(Public Benefit Recipient.)

7/29/2003, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031336 [Study of at-risk and HIV positive youth in San Francisco]**

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to enter retroactively into an agreement in the amount of \$19,800 with The Regents of the University of California San Francisco (UCSF), the primary contractor, to participate in a study of at-risk and HIV positive youth in San Francisco, for the period of March 1, 2003, to February 29, 2004.

(Public Health Department)

(No Public Benefit Recipient.)

8/1/2003, RECEIVED AND ASSIGNED to City Services Committee.



**031337 [Emergency Medical Services Fund Reimbursement]**

Resolution authorizing the San Francisco Department of Public Health, Emergency Medical Services (SFDPH, EMS) to accept and expend retroactively funds in the amount of \$920,650 from the Emergency Medical Services Fund (EMSF) to reimburse providers for emergency medical services rendered during the period of July 1, 2002 to June 30, 2004, and for administrative costs associated with this program.

(Public Health Department)

(No Public Benefit Recipient.)

7/31/2003, RECEIVED AND ASSIGNED to City Services Committee.

**031339 [Lease of Real Property]**

Resolution authorizing the renewal of a lease of real property at 755 and 759 South Van Ness Avenue for continued use by the Department of Public Health, Community Behavioral Health Services.

(Real Estate Department)

(Public Benefit Recipient.)

8/4/2003, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031362 [Petitions and Communications]**

Petitions and Communications received from July 22, 2003 through August 4, 2003, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on August 12, 2003. Part 1

From Department of Elections, submitting list of important dates for the Statewide Special Election (Recall of Governor) scheduled for October 7, 2003. Copy: Each Supervisor (1)

From Ethics Commission, submitting Second Quarter 2003 Lobbyist Report. (2)

From Fire Department, submitting list of all sole source contracts entered into during the past fiscal year. (3)

From Office of the Mayor, returning vetoed resolution that recognizes the Vietnamese Heritage Flag and Freedom Flag as the symbol of the Vietnamese American community. File 031220, Copy: Each Supervisor (4)

From Office of the Mayor, returning with his approval an ordinance the SF General Assistance aid program with letter attached. File 030871 Copy: Each Supervisor (5)

From Department of Elections, submitting copy of certified letter sent to the proponent of the "Protection of Homeless" Initiative Ordinance that the Initiative does qualify for the upcoming November 4, 2003 Municipal Election in the City and County of San Francisco. Copy: Each Supervisor (6)

From Department of Human Resources, submitting list of all sole source contracts entered into during the past fiscal year. (7)

From Department of Human Resources, submitting Quarterly Report of Economic Settlements. (8)

From SF Unified School District, submitting 1997 Proposition A Quarterly Report and Bond Issuance documents dated July 1, 2003. (9)

From concerned citizens, voicing their opinion on the recently passed resolution recognizing the Yellow Vietnamese Heritage and Freedom Flag. Copy: Each Supervisor (10)

From concerned citizens, voicing their opinion on proposal to install parking meters in Golden Gate Park. File 030991, Copy: Each Supervisor (11)

From Office of the Treasurer/Tax Collector, submitting the Bureau of Delinquent Revenue quarterly report for the period of April 1, 2003 through June 30, 2003. (12)

From Department of Parking and Traffic, submitting list of tow refunds for the fourth quarter of fiscal year 2002-03. (13)

From Office of the Controller, submitting the regular set of high level financial reports for the month of June 2003 showing fiscal year 2002-2003 status and year-end figures for the prior year. (14)

From Department of Human Services, submitting request for waiver of Administrative Code Sections 12B and 12C for Equifax which provides credit checks, social security search, and skip tracing services to locate or validate a client's address, employment and to assess a client's ability to pay back inappropriately awarded benefits. (15)

From Office of the Controller, regarding review of permit fees and assessment schedules proposed by the Department of Public Works. File 030830 (16)

From Department of Elections, regarding the Gubernatorial recall election in October 2003. (17)

From Mark Longwood, submitting report on field tests done in the Marina District, Fort Mason and Aquatic Park areas supporting the Marina neighbors' contention that Verizon Wireless cellular phone services in the area is good. (18)

From Office of the Controller, submitting a cost analysis of an amendment to the MOU between the City and County and Cement Masons Local 580. (19)

From Office of the Controller, submitting report concerning the review of Travelex America, Inc. and its foreign currency operations at SF International Airport. (20)

From Office of the Mayor, submitting list of sole source contracts entered into during the past fiscal year. (21)

From Port of San Francisco, regarding whether the Port can dedicate a space for the purposes of float building and storage. (22)

From Ethics Commission, submitting list of sole source contracts entered into during the past fiscal year. (23)

From Recreation and Park Department, submitting list of sole source contracts entered into during the past fiscal year. (24)

From Charles Candau, submitting request for liquor license for "House of Shields" located at 39 New Montgomery Street. (25)

From Pacific Gas and Electric Company, submitting request on behalf of its subsidiaries ETrans, LLC, and GTrans, LLC for suspension of all activity to process the applications for new franchises until further notice. (26)

From Civil Service Commission, submitting survey of monthly rates paid to police officers and firefighters in all cities of 350,000 or more in the State of California. (27)

From State Board of Equalization, regarding proposed amendments to Property Tax Rule 462.240. (28)

From SF Transportation Authority, submitting Final Environmental Impact Report for consideration of the New Expenditure Plan and 30-year Sales Tax Reauthorization. (29)

From Emergency Communications Department, submitting list of sole source contracts entered into during the past fiscal year. (30)

From various signators, submitting Form 700 Statement of Economic Interests: Christine Gasparac (31)

From Planning Department, regarding proposed substitute ordinance amending Department of Public Works Rules and Regulations Governing the Posting of Banners. File 020061 (32)

From Emergency Communications Department, submitting list of sole source contracts entered into during the past fiscal year. (33)

From State Public Utilities Commission, submitting notice that Blue and Gold Fleet, L.P. has applied for a fare increase for passengers using the Alameda/Oakland Ferry Service, including service to and from San Francisco and Angel Island State Park. (34)

From Allie London, regarding the outstanding work of Beth Goudreau and Yvette Ortega of Medic #8. Copy: Each Supervisor, Fire Chief (35)

From concerned citizens, requesting the Board do whatever it can to keep SF Liberation Radio on the air. (36)

From Martin Lyon, commenting on various local topics. (37)

From Teddy Ryan, regarding his experience with a parking control officer on July 22, 2003 near Second and Harrison Streets. Copy: Department of Parking and Traffic (38)

From Department of Elections, submitting copy of certified letter sent to the proponent of the "Minimum Wage" Initiative Ordinance that the Initiative does qualify for the upcoming November 4, 2003 Municipal Election in the City and County of San Francisco. (39)

From James Chaffee, submitting his concern with library funds not being used as voted for by the citizens of San Francisco, that stressed the need to replace neighborhood branches in rental facilities with branches in stand-alone city-owned facilities. Copy: Each Supervisor (40)

From David Rogers, urging the Board to have an emergency meeting with the Department of Elections to discuss the upcoming election. (41)

From Department of Children, Youth and Their Families, submitting request for release of reserved funds of \$37,500 to operate its information and referral services for fiscal year 2003-04. Copy: Finance Committee, Budget Analyst (42)

From Ryan Yip, submitting request on behalf of the American Cancer Society's San Francisco RELAY FOR LIFE event (An interactive experience that offers everyone an opportunity to gather in the fight against cancer), for a proclamation declaring San Francisco County a relay for life community. (43)

From SF Public Library, submitting list of sole source contracts entered into by the library during fiscal year 2002/03. (44)

From Recreation and Park Department, submitting list of sole source contracts entered into by the library during fiscal year 2002/03. (45)

From Comcast Cable Communications, Inc., submitting notice that KQED (Public Broadcasting Station) will introduce additional programming on August 8, 2003. (46)

From Department of Elections, submitting copy of certified letter sent to the proponent of the "Aggressive Solicitation Ban and Diversion Program" that the petition did contain sufficient valid signatures to qualify for the upcoming November 4, 2003 Municipal Election to be held in the City and County of San Francisco. Copy: Each Supervisor (47)

From John Jenkel, commenting on various subjects. (48)

From Department of Consumer Assurance, submitting list of sole source contracts entered into by the department during fiscal year 2002/03. (49)

From Roger Dreyfoos, commenting on the homeless situation in San Francisco. File 030848 (50)

From Jason Born, submitting opposition to the proposed placement of the Market St./Octavia St. Off-Ramp. (51)

From Bernard Rush, submitting opposition to proposed legislation regarding the motorcycle sidewalk parking policy. (52)

From Richard Robinson, suggesting Mr. Williard Hall be named director of the Mayor's Office of Homelessness as soon as the present director leaves. (53)

From Jude Koski, concerning the Page Street Garden Acquisition. (54)

From Sam Podolsky, submitting support for Care Not Cash as passed by the voters in the last election. (55)

From Real Estate Division, submitting report on real property owned by the City and County of San Francisco as of fiscal year ending June 30, 2003. (56)

#### APPOINTMENTS BY THE MAYOR

Art Commission  
Andrea Cochran  
Anne K. Brauer

Environment Commission  
Randall Hayes  
Parin Shah

Human Rights Commission  
Martha Knutzen

Taxi Commission  
Mary McGuire  
Martin B. Smith  
Patricia Breslin

War Memorial Board of Trustees  
Bella Farrow

**031363 [Petitions and Communications]**

Petitions and Communications received from July 22, 2003 through August 4, 2003, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on August 12, 2003. Part 2

From Human Rights Commission, submitting report on the "Racial Privacy Initiative" anticipated impact on City programs. (56)

From Fire Department, submitting description of the responsibilities of the two current Deputy Chief positions in the Fire Department and the proposed position of Deputy Chief for the Airport Division. File 031033 (57)

From Planning Department, submitting notice of Certificate of Determination of Exemption/Exclusion from Environmental Review for proposed ordinance that prohibits the sale or storage of alcohol as an accessory use in dwellings in R and NC Districts. File 031059 (58)

From Derrill Dabkoski, commenting on the passage of the Vietnamese American Heritage and Freedom Flag resolution. (59)

From West of Twin Peaks Central Council, submitting opposition to proposed legislation regarding "Final Draft of the Housing Element". File 030828 (60)

From Office of the City Attorney, submitting monthly report for services provided for May and June 2003. (61)

From Ted Mackay, submitting his concerns with the new Muni buses. (62)

From Police Department, submitting list of all goods and/or cash donated to the Police Department during fiscal year July 1, 2002 to June 30, 2003. (63)

From District Attorney, submitting request for waiver of Sections 12B and 12C of the Administrative Code for a one-time purchase of gift cards from Safeway, Inc. (64)

From Airport, submitting notice that the Airport plans to incorporate the City's Minimum Compensation and Health Care Accountability Ordinances into the Rental Car Leases and Agreements. Copy: Each Supervisor (65)

From Airport, regarding lease and operating agreement between Smarte Carte, Inc. and the City and County of San Francisco acting by and through the Airport Commission for a five-year period, commencing April 1, 2002. Copy: Each Supervisor (66)

From Planning Department, submitting list of sole source contracts entered into during fiscal year 2002/03. (67)

From Mirna Escobar, regarding various issues with the San Francisco Housing Authority. (68)

From George Ridegely, submitting opposition to proposed legislation that would ban the posting of signs on utility poles and lampposts. Copy: Each Supervisor (69)

From Michael Smithwick, urging the board to reject the Environmental Impact Report (EIR) for the proposed parking garage in Golden Gate Park and send it back to the Planning Department. File 031321 (70)

From Norman Larson, urging the Board to raise height limits in transit corridors from 40 feet to 80 feet, and allow secondary units without parking spaces in the same areas. File 030896 (71)

From concerned citizen, submitting opposition to the installation of parking meters in Golden Gate Park or the Marina. File 030991 (72)

## **ADJOURNMENT**





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90  
63  
1/19/03

# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

## AGENDA

DOCUMENTS DEPT.

AUG 14 2003

SAN FRANCISCO  
PUBLIC LIBRARY



Legislative Chamber - Second Floor  
City Hall, 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

Tuesday, August 19, 2003 2:00 PM

### Regular Meeting

MATT GONZALEZ, PRESIDENT  
TOM AMMIANO, CHRIS DALY, BEVAN DUFTY, TONY HALL,  
FIONA MA, SOPHIE MAXWELL, JAKE MCGOLDRICK,  
GAVIN NEWSOM, AARON PESKIN, GERARDO SANDOVAL

Gloria L. Young, Clerk of the Board

Agendas of the Board of Supervisors are available on the internet at [www.ci.sf.ca.us/bdsupvrs](http://www.ci.sf.ca.us/bdsupvrs)

### BOARD COMMITTEES

#### Committee Membership

##### **Budget Committee**

Supervisors Daly, Peskin, Maxwell, Ma, Gonzalez

##### **City and School District Select Committee**

Supervisors Maxwell, Ammiano, Ma, Commissioners Cruz, Sanchez, Kelly

##### **City Services Committee**

Supervisors Dufty, Ma, Newsom

##### **Finance and Audits Committee**

Supervisors Peskin, Sandoval, McGoldrick

##### **Land Use Committee**

Supervisors McGoldrick, Maxwell, Ammiano

##### **Rules Committee**

Supervisors Hall, Dufty, Gonzalez

#### Meeting Days

Thursday  
1:00 PM

2nd Monday, bi-monthly

Thursday  
9:30 AM

Wednesday  
12:30 PM

Monday  
1:00 p.m.

Wednesday  
9:30 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

## Board Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4) standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

Agenda are available on the internet at [www.sfgov.org/bdsupvrs.bos.htm](http://www.sfgov.org/bdsupvrs.bos.htm).

THE AGENDA PACKET IS AVAILABLE AT CITY HALL, ROOM 244, RECEPTION DESK.

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 557-4293.

Results of each Board meeting can be obtained about a half hour after the end of the meeting by telephoning (415) 554-5555.

Requests for language translation at a meeting must be received no later than noon the Friday before the meeting. Contact Ohn Myint at (415) 554-7704.

AVISO EN ESPAÑOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

**翻譯 必須在會議前最少四十八小時提出要求  
請電 (415) 554-7701**

## Disability Access

The Legislative Chamber of the Board of Supervisors is in Room 250 of City Hall, 1 Dr. Carlton B. Goodlett Place. The Chamber is wheelchair accessible.

The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex.

All meetings are real-time captioned and are cablecast open-captioned on SF Cable 26.

The following services are available when requests are made by 4:00 p.m. of the Friday before the Board meeting. This advance notice will help ensure availability.

· For American Sign Language interpreters or use of a reader during a meeting, contact Ohn Myint at (415) 554-7704.

· For a large print copy of agenda or minutes in alternative formats, contact Annette Lonich at (415) 554-7706.

Assistive listening devices are available from the receptionist in the Clerk of the Board's Office, Room 244, prior to the meeting.

The Clerk of the Board's Office TTY number is (415) 554-5227.

In order to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

### **Know Your Rights Under the Sunshine Ordinance**

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Donna Hall by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at [Donna.Hall@sfgov.org](mailto:Donna.Hall@sfgov.org)

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Ms. Hall or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine.htm>

### **Lobbyist Registration and Reporting Requirements**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site [www.sfgov.org/ethics](http://www.sfgov.org/ethics)

## ROLL CALL AND PLEDGE OF ALLEGIANCE

## APPROVAL OF MEETING MINUTES

*Motion to approve the July 8, 2003 and July 15, 2003 Board Minutes.*

## AGENDA CHANGES

## COMMUNICATIONS

*Note: Each item on the Consent or Regular agenda may include the following documents:*

- 1) Legislation*
- 2) Budget Analyst report*
- 3) Legislative Analyst report*
- 4) Department or Agency cover letter and/or report*
- 5) Public correspondence*

*These items will be available for review at City Hall, Room 244, Reception Desk.*

## CONSENT AGENDA

*All matters listed hereunder constitute a Consent Agenda, are considered to be routine by the Board of Supervisors and will be acted upon by a single roll call vote of the Board. There will be no separate discussion of these items unless a member of the Board so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.*

### Items 1 through 15

### Recommendation of the City Services Committee

*Present: Supervisors Duffy, Ma*

1.        031105    [Amending Police Code Sections 4302 and 4303 to Define Harassment]  
Supervisors Peskin, Ma, Maxwell, Daly, Ammiano, Duffy, Gonzalez, Hall  
Ordinance amending Police Code Sections 4302 and 4303 to (1) eliminate the requirement that before they may be protected from harassment, persons seeking access to health care facilities invoke a "buffer zone" by declaring to protestors a desire to be left alone; and (2) to define harassment of a person seeking access to a health care facility as the non-consensual and knowing approach within eight feet of another person for purposes of passing a leaflet or handbill to, display a sign to, or engage in oral protest, education or counseling with such other person in a public way or on a sidewalk area within one hundred feet of a health care facility.  
(No fiscal impact.)

8/12/2003, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

## **Recommendation of the Finance and Audits Committee**

*Present: Supervisors Peskin, Sandoval, McGoldrick*

**2. 031245 [Amendment No. 1 to 2003-2005 MOU, Cement Masons, Local 580]**

**Mayor**

Ordinance adopting and implementing Amendment No. 1 to the 2003-2005 Memorandum of Understanding between the Cement Masons, Local 580 and the City and County of San Francisco by amending Article III.O. to correct a clerical omission by inserting a Long-Term Disability provision. (Mayor)

8/12/2003, PASSED ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

## **Recommendations of the Land Use Committee**

*Present: Supervisors McGoldrick, Maxwell, Ammiano*

**3. 031211 [Changing Official Width of Sidewalk]**

Ordinance Amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section No. 1560 to change the official sidewalk width on the west side of Illinois Street between 18th and 19th Streets; making findings pursuant to the General Plan and Planning Code Section 101.1; and addressing relocation, modification, or both of facilities affected by the sidewalk width changes.

(Public Works Department)

(No Public Benefit Recipient.)

8/12/2003, PASSED ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

**4. 031318 [Grant of Federal Funds - Municipal Transportation Agency]**

**Mayor**

Resolution authorizing the Municipal Transportation Agency to accept and expend \$22,447,850 of Federal Discretionary Capital Assistance for construction of the Third Street Corridor Track/Maintenance Facility project, excluding administrative overhead costs.

(No Public Benefit Recipient.)

**Question: Shall this Resolution be ADOPTED?**

## **Recommendations of the Rules Committee**

*Present: Supervisors Hall, Duffy, Gonzalez*

5. 030483 [Recognition of marriages, domestic partnerships and civil unions]  
Supervisors Daly, Duffy, Annuniano, Gonzalez  
Ordinance amending Chapter 62 of the Administrative Code by adding Section 62.10 to extend recognition of domestic partnerships, civil unions, and other similar legal relationships to persons who lawfully enter into these agreements in other jurisdictions.
- 8/12/2003, PASSED ON FIRST READING.  
Question: Shall this Ordinance be FINALLY PASSED?
6. 031078 [Settlement of Lawsuit - John Darmanin]  
Ordinance authorizing settlement of the lawsuits filed by John Darmanin against the City and County of San Francisco for \$80,000; the lawsuits were filed on February 19, 1999 (H-19 Reinstatement) and February 5, 2003 (Enforcement of Judgment), in the San Francisco Superior Court, Case Nos. 301-118 and 502-410; entitled John Darmanin, et al. v. City and County of San Francisco, et al., and San Francisco Fire Fighters Local 798, et al. v. Demmons, et al.  
(City Attorney)  
(Public Benefit Recipient.)
- 8/12/2003, PASSED, ON FIRST READING.  
Question: Shall this Ordinance be FINALLY PASSED?
7. 031079 [Settlement of Lawsuit - John Darmanin]  
Ordinance authorizing settlement of the lawsuit filed by John Darmanin against the City and County of San Francisco for \$105,000; the lawsuit was filed on December 29, 1997, in the United States District Court, Northern District of California, Case No. C 97-4703; entitled John Darmanin, et al., v. City and County of San Francisco, et al.  
(City Attorney)  
(Public Benefit Recipient.)
- 8/12/2003, PASSED, ON FIRST READING.  
Question: Shall this Ordinance be FINALLY PASSED?
8. 031177 [Settlement of Lawsuit - John Eiler]  
Ordinance authorizing settlement of the lawsuit filed by John Eiler against the City and County of San Francisco for \$300,000; the lawsuit was filed on March 15, 2002 in San Francisco Superior Court, Case No. 02-405687; entitled John Eiler, et al., v. James Strain, City and County of San Francisco, et al.  
(City Attorney)  
(Public Benefit Recipient.)
- 8/12/2003, PASSED, ON FIRST READING.  
Question: Shall this Ordinance be FINALLY PASSED?

9. 031179 [Settlement of Lawsuits - Regents of the University of California and University of California, Hastings College of the Law]

Ordinance approving the settlement of the following lawsuits: (1) Regents of the University of California v. City and County of San Francisco, San Francisco Superior Court Case No. 311005, filed March 24, 2000; (2) Regents of the University of California v. City and County of San Francisco, San Francisco Superior Court Case No. 324662, filed September 18, 2001; (3) University of California, Hastings College of the Law v. City and County of San Francisco, San Francisco Superior Court Case No. 400550, filed October 24, 2001; and (4) Regents of the University of California and University of California, Hastings College of the Law v. City and County of San Francisco, San Francisco Superior Court Case No. 414027, filed October 24, 2002. These settlements result in payment by the City in an undetermined amount not to exceed \$155,000; potential payment by the City of an additional amount to be determined; and an agreement on the maximum future water and sewer rate charges to plaintiffs for the next three fiscal years.

(City Attorney)

(Public Benefit Recipient.)

8/12/2003, PASSED, ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

*Present: Supervisors Duffy, Gonzalez*

10. 031338 [Settlement of Lawsuit - Bellaire Tower Homeowners Association]

Ordinance authorizing settlement of the lawsuit filed by Bellaire Tower Homeowners Association against the City and County of San Francisco for \$83,862.34; the lawsuit was filed on December 31, 2001 in San Francisco Superior Court, Case No. 402-355; entitled Bellaire Tower Homeowners Association, et al. v. City and County of San Francisco, et al.

(City Attorney)

(Public Benefit Recipient.)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

11. 031254 [Settlement of Lawsuit - Evelyn Mata]

Ordinance authorizing settlement of the lawsuit filed by Evelyn Mata against the City and County of San Francisco, San Francisco Police Department and Nancy Brewer for \$50,000; the lawsuit was filed on August 9, 2002 in San Francisco Superior Court, Case No. C-01-411318 entitled Evelyn Mata v. City and County of San Francisco, San Francisco Police Department, Nancy Brewer, et al.

(City Attorney)

(Public Benefit Recipient.)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**



12. 031047 [Appointment]  
Resolution appointing Richard Ow and Jose Ricardo Bondoc, terms ending June 6, 2005 to the Immigrant Rights Commission.  
Richard Ow, succeeding Eni Gusukuma, term expired, seat 6, must be an immigrant to the United States who is appointed in accordance with Section 4.101 of the Charter. In addition, members shall have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for a two year term ending June 6, 2005.  
Jose Ricardo Bondoc, succeeding Joseph Nwadiabia, term expired, seat 10, must be an immigrant to the United States who is appointed in accordance with Section 4.101 of the Charter. In addition, members shall have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for a two year term ending June 6, 2005.

Question: Shall this Resolution be ADOPTED?

*Present: Supervisors Hall, Duffy, Gonzalez*

13. 031341 [Appointment]  
Resolution appointing Kathy Perry, term ending June 30, 2005, to the Asthma Task Force.  
Kathy Perry, succeeding Carolyn Noble, resigned, seat 9, must be a representative of a hospital association or health care provider institution and is a voting member, for the unexpired portion of a two-year term ending June 30, 2005.

Question: Shall this Resolution be ADOPTED?

14. 031343 [Appointment]  
Resolution appointing Alec Lambie, Gordon Huseby, Hayes Miles and David Wilbur terms ending September 4, 2006 to the Assessment Appeals Board No. 1.  
Alec Lambie, succeeding himself, term expired, seat 2, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code as follows: a person shall not be eligible for nomination for membership on an assessment appeals board unless he or she has a minimum of five years' professional experience in this state as one of the following: certified public accountant or public accountant, licensed real estate broker, attorney, or property appraiser accredited by a nationally recognized professional organization; for a three year term ending September 4, 2006.  
Gordon Huseby, succeeding Frank Mahoney, III, term expired, seat 5, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code as follows: a person shall not be eligible for nomination for membership on an assessment appeals board unless he or she has a minimum of five years' professional experience in this state as one of the following: certified public accountant or public accountant, licensed real estate broker, attorney, or property appraiser accredited by a nationally recognized professional organization; for a three year term ending September 4, 2006.  
Hayes Miles, succeeding himself, term expired, seat 6, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code. ALTERNATE/HEARING OFFICER for a three year term ending September 4, 2006.  
David Wilbur, succeeding Donald Kavanagh, term expired, seat 8, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code.  
ALTERNATE/HEARING OFFICER for a three year term ending September 4, 2006.

Question: Shall this Resolution be ADOPTED?



## 15. 031346 [Appointment]

Resolution appointing Adrienne Lacau, John McGary, Donna Crowder and Richard Lee, terms expiring September 4, 2006 to the Assessment Appeals Board No. 2.

Adrienne Lacau, succeeding herself, term expired, seat 1, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code for a three year term ending September 4, 2006.

John McGary, succeeding himself, term expired, seat 5, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code for a three year term ending September 4, 2006.

Donna Crowder, succeeding herself, term expired, seat 6, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code; ALTERNATE/HEARING OFFICER for a three year term ending September 4, 2006.

Richard Lee, succeeding Steven Cox, term expired, seat 7, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code; ALTERNATE/HEARING OFFICER for a three year term ending September 4, 2006.

**Question: Shall this Resolution be ADOPTED?**

*Questions on the Consent Agenda are on final passage, first reading, or adoption, as indicated:* \_\_\_\_\_

## REGULAR AGENDA

## UNFINISHED BUSINESS

### From the Clerk

16. 031376 [Adopting findings related to the conditional use appeal on the PG&E Transformer Station located on the 3400 Block of 19th Street]  
Motion adopting findings related to the appeal of the Planning Commission's approval of Conditional Use Authorization No. 2002.0575C (which approved the installation of six panel antennas and related back-up equipment on the PG&E Transformer Station within an RH-3 (Residential House, Three-Family) District and a 50-X Height and Bulk District) located at the south side of the 3400 Block of 19th Street (Lot 104 in Assessor's Block 3596).  
(Clerk of the Board)  
(Companion measure to Files 030553, 030554, 030555, 030556.)

8/8/2003, REFERRED to Board of Supervisors.

**Question: Shall this Motion be ADOPTED?**

17. 031377 [Adopting findings related to the conditional use appeal on property located at 3725 Buchanan Street (a.k.a. 3727 Buchanan Street).]  
Motion adopting findings related to the appeal of the Planning Commission's approval of Conditional Use Authorization No. 2002.0657C (which approved the installation of a total of eight panel antennas and related equipment on the roof of an existing commercial building as part of Verizon's wireless telecommunications network within an NC-2 (Small-Scale Neighborhood Commercial) Zoning District, Scenic SSD (Special Sign District) and a 40-X Height and Bulk District) on property located at 3725 Buchanan Street (a.k.a. 3727 Buchanan Street), on the west side between Beach and North Point Streets (Lot 004 in Assessor's Block 0445A).  
(Clerk of the Board)  
(Companion measure to Files 030956, 030957, 030958, 030959.)

8/8/2003, REFERRED to Board of Supervisors.

**Question: Shall this Motion be ADOPTED?**

## NEW BUSINESS

### Recommendations of the Finance and Audits Committee

*Present: Supervisors Peskin, McGoldrick*

18. 031244 [Glen Park Branch Library]  
Supervisor Duffy  
Ordinance approving and authorizing the Director of Property to execute an Agreement of Purchase and Sale of Real Property with Glen Park Marketplace Phoenix, LLC, for the purchase of a condominium unit in a mixed use project to be located at Diamond and Wilder Streets for use as the Glen Park branch of the San Francisco Public Library; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1.; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this Ordinance.  
(Fiscal impact.)
- Question: Shall this Ordinance be PASSED ON FIRST READING?
19. 031315 [MOU - Fire Fighters Union, Local 798 IAFF, AFL-CIO, Unit 1]  
Mayor, Supervisor Duffy  
Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Fire Fighters Union, Local 798 IAFF, AFL-CIO, Unit 1, to be effective July 1, 2003 through June 30, 2005.
- Question: Shall this Ordinance be PASSED ON FIRST READING?
20. 031316 [MOU - Fire Fighters Union, Local 798 IAFF, AFL-CIO, Unit 2]  
Mayor, Supervisor Duffy  
Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Fire Fighters Union, Local 798 IAFF, AFL-CIO, Unit 2, to be effective July 1, 2003 through June 30, 2005.
- Question: Shall this Ordinance be PASSED ON FIRST READING?
21. 031255 [Extension of Agreement For Additional Eighteen-Month Tolling of Statute of Limitations Governing Administrative Proceeding or Suit]  
Resolution approving the City Attorney's entry into a Second Extension of Tolling Agreement governing administrative proceeding or suit by the United States Environmental Protection Agency and the Casmalia Resources Site Steering Committee, effective June 6, 2003.  
(No Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

22. 031278 [Accept-Expend Federal Grant, Department of Parking and Traffic]  
Mayor

Resolution authorizing the Department of Parking and Traffic to retroactively apply for, accept and expend a grant in the amount of up to \$560,000 from the Federal Highway Administration with required local match of up to \$142,000 for pedestrian safety improvements, education, and evaluation under Phase 2 of an ongoing project.  
(Mayor)

Question: Shall this Resolution be ADOPTED?

### From the Finance and Audits Committee "Without Recommendation"

*Present: Supervisors Peskin, McGoldrick*

23. 031181 [Emergency Repair, 30 Van Ness Avenue Roof Replacement]

Resolution concurring with and supporting the Director of the Department of Real Estate's finding and declaration of an emergency; urging the Departments of Real Estate and Public Works to take necessary measures in the most expeditious manner to protect the safety, health, welfare, and property of the citizens and employees of the City and County of San Francisco with regard to the severe leakage and drainage problems caused by the failing roof at 30 Van Ness Avenue, at an estimated cost of \$1.1 million for a new roof.  
(Public Works Department)  
(Fiscal impact; No Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

### Recommendation of the Land Use Committee

*Present: Supervisors McGoldrick, Maxwell, Ammiano*

24. 031213 [Amending Residential Rent Stabilization and Arbitration Ordinance]

Ordinance amending Administrative Code Chapter 37 (Residential Rent Stabilization and Arbitration Ordinance) by amending Section 37.4 to provide that if one of the two regular landlord members is unavailable to vote, that member's specific alternate shall be seated and vote, but if that member's specific alternate is also unavailable to vote, the other landlord alternate shall (if available) be seated and vote as a substitute alternate; if one of the two regular tenant members is unavailable to vote, that member's specific alternate shall be seated and vote, but if that member's specific alternate is also unavailable to vote, the other tenant alternate shall (if available) be seated and vote as a substitute alternate; this would modify the current Code that provides each of the two regular landlord members with a specific alternate, but no mechanism for the two landlord alternates to substitute for one another; likewise, this would modify the current Code that provides each of the two regular tenant members with a specific alternate, but no mechanism for the two tenant alternates to substitute for one another.  
(Rent Stabilization and Arbitration Board)

Question: Shall this Ordinance be PASSED ON FIRST READING?

**SPECIAL ORDER 3:30 P.M.**  
**Recognition of Commendations**

**SPECIAL ORDER 4:00 P.M.**

25. 030942 [Hearing - Vacation Easements within the Mission Bay North Redevelopment Project Area]  
Hearing of persons interested in or objecting to proposed Ordinance ordering the vacation of two (2) portions of the pedestrian ingress and egress easement and public utility easement in the N2 mid-block walkway (Assessor's Block 8706, Lot 2), within the Mission Bay North Redevelopment Project Area; authorizing a quitclaim of the City and County of San Francisco's rights and interest in the vacated areas; adopting findings that such actions are consistent with the City's General Plan, the eight priority policies of City's Planning Code Section 101.1 and the Mission Bay North Redevelopment Plan; accepting Department of Public Works Order No. 174,111; and authorizing other official acts in connection with this ordinance.  
(Clerk of the Board)  
(Companion measure to Files 030940, 030941.)

Action: \_\_\_\_\_

*Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.*

**From Land Use Committee "Without Recommendation"**

*Present: Supervisors McGoldrick, Maxwell*

26. 030941 [Vacation of easements in approximately 260 square foot portion of the N2 mid-block walkway (Assessor's Block 8706, Lot 2)]  
Ordinance ordering the vacation of two (2) portions of the pedestrian ingress and egress easement and public utility easement in the N2 mid-block walkway (Assessor's Block 8706, Lot 2), within the Mission Bay North Redevelopment Project Area; authorizing a quitclaim of the City and County of San Francisco's rights and interest in the vacated areas; adopting findings that such actions are consistent with the City's General Plan, the eight priority policies of City's Planning Code Section 101.1 and the Mission Bay North Redevelopment Plan; accepting Department of Public Works Order No. 174,111; and authorizing other official acts in connection with this ordinance.  
(Public Works Department)  
(No Public Benefit Recipient; DPW Order No. 174,111.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

**SPECIAL ORDER 4:00 P.M.**

27. 030949 [Hearing - Vacation of portion of Berry Street at Sixth Street]  
Hearing of persons interested in or objecting to proposed Ordinance ordering the vacation of a 639.5 Sq. Ft. portion of Berry Street at Sixth Street within the Mission Bay Redevelopment Project Area subject to reservations of certain utility easements in the vacated area; authorizing a quitclaim of the City and County of San Francisco's rights and interest in the vacated area to Catellus Development Corporation ("Catellus"); approving the Property Exchange Agreement (Mission Bay North Plan Area) to acquire certain Catellus properties in exchange for certain City properties; adopting findings that such actions are consistent with the City's General Plan, priority policies of City's Planning Code Section 101.1 and the Mission Bay North Redevelopment Plan; accepting Department of Public Works Order No. 174,110; and authorizing official acts in connection with this ordinance.  
(Clerk of the Board)  
(Companion measure to Files 030947, 030948.)

Action: \_\_\_\_\_

*Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.*

**From Land Use Committee "Without Recommendation"**

*Present: Supervisors McGoldrick, Maxwell*

28. 030948 [Ordering vacation of portion of Berry Street at Sixth Street and approving a Property Exchange Agreement in Mission Bay North]  
Ordinance ordering the vacation of a 639.5 Sq. Ft. portion of Berry Street at Sixth Street within the Mission Bay Redevelopment Project Area subject to reservations of certain utility easements in the vacated area; authorizing a quitclaim of the City and County of San Francisco's rights and interest in the vacated area to Catellus Development Corporation ("Catellus"); approving the Property Exchange Agreement (Mission Bay North Plan Area) to acquire certain Catellus properties in exchange for certain City properties; adopting findings that such actions are consistent with the City's General Plan, priority policies of City's Planning Code Section 101.1 and the Mission Bay North Redevelopment Plan; accepting Department of Public Works Order No. 174,110; and authorizing official acts in connection with this ordinance.  
(Public Works Department)  
(No Public Benefit Recipient; DPW Order No. 174,110.)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

**COMMITTEE REPORTS**

*Reports from committees, if any, recommending emergency or urgent measures.*

**From the City Services Committee**

*The following item will be considered by the City Services Committee at a Regular Meeting on August 14, 2003. The Chair intends to request the Committee to send the following item to the Board as a committee report.*

29.      031252    [San Francisco Liberation Radio 93.7 FM and diversity in media ownership]  
Supervisors Gonzalez, Daly, Dufty, Ammiano, Peskin, Maxwell  
Resolution supporting San Francisco Liberation Radio 93.7 FM and urging Federal, State, and Local officials to support policies and practices that encourage diverse local non-commercial media.

7/22/2003, REFERRED to City Services Committee. Amended by replacing "97.3" with "93.7"  
Supervisor McGoldrick requested that this matter be referred to Committee.

7/22/2003, AMENDED.

7/22/2003, REFERRED to City Services Committee.

**Question: Shall this Resolution be ADOPTED?**

**30.      ROLL CALL FOR INTRODUCTIONS**

*Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, letters of request to the City Attorney and Board Members' reports on their regional body activities.*

**31.      PUBLIC COMMENT**

*An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes.*

**APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST**

*These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.*

32.      031411    [Legislative Analyst Request - Cell Phone Antennae Installation Moratorium]  
Supervisor Sandoval  
Motion requesting the Legislative Analyst to review, analyze, and make recommendations to the Board of Supervisors, regarding the feasibility of enacting a cell phone antennae installation moratorium until the City has reviewed and updated existing Planning Department's Wireless Telecommunications Services (WTS) Facilities Guidelines.

**Question: Shall this Motion be ADOPTED?**



33. 031412 [Legislative Analyst Request - San Francisco Police Department's Crime Reporting System]  
Supervisor Maxwell  
Motion requesting the Legislative Analyst to research and examine the San Francisco Police Department's crime reporting system. How effective is the current system compared to cities similar to San Francisco, such as but not limited to San Jose, Austin and New York? What mechanism/s are available for San Francisco residents to report crime? How is the information gathered and used? The sponsor asks the Legislative Analyst to make recommendations on how to improve the current reporting system and how we can make better use of information gathered.
- Question: Shall this Motion be ADOPTED?
34. 031413 [Legislative Analyst Request - Foster Care System Models]  
Supervisor Maxwell  
Motion requesting the Legislative Analyst to research on successful foster care system models in municipalities similar to San Francisco. In particular, identify incentives/support programs that have proven successful for foster parents. The report should also examine the scope of services provided, the number of children/youth served, and the cost and funding resources for such programs.
- Question: Shall this Motion be ADOPTED?
35. 031414 [Legislative Analyst Request - Department of Children, Youth and Their Families]  
Supervisor Newsom  
Motion directing the Office of the Legislative Analyst (OLA) to conduct research on planning efforts by the Department of Children, Youth and Their Families, including its grant allocation process, its interdepartmental planning efforts, its coordinating efforts with other city departments to effectively leverage new State, federal or private resources, and any other efforts the Department utilizes in order to best eliminate duplication of services.
- Question: Shall this Motion be ADOPTED?

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

*These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.*

### Items 36 through 48

36. 031330 [Waiver Permitting City Employees to Assist the Department of Elections]  
Supervisor Gonzalez  
Motion granting a waiver from the prohibition imposed by Charter section 13.104.5, to permit City employees to assist the Department of Elections with the October 7, 2003, November 4, 2003, December 9, 2003 and March 2, 2004 elections.
- 7/29/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
8/12/2003, CONTINUED. Continued to August 19, 2003
- Question: Shall this Motion be ADOPTED?



37. 031416 [Acknowledging the California Supreme Courts ruling on Gay Adoptions]  
Supervisors Ammiano, Duffy  
Resolution congratulating and thanking the California Supreme Court for their sound public policy towards the needs of children by affirming second-parent adoptions.
- 8/12/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
Question: Shall this Resolution be ADOPTED?
38. 031417 [Accept-Expend Grant]  
Supervisors Ammiano, Duffy  
Resolution authorizing the Human Rights Commission to accept and expend a grant in the amount of \$26,000 from the Friends of the Human Rights Commission for the development of an internal database and external searchable web application for the purpose of gathering, sorting and displaying information on insurance companies throughout the United States that offer domestic partner insurance products.
- 8/12/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
Question: Shall this Resolution be ADOPTED?
39. 031418 [Evaluation of the fire and medical rescue needs of San Francisco]  
Supervisor Gonzalez  
Resolution authorizing the City Controller to perform an evaluation of the fire and medical rescue needs of San Francisco.
- 8/12/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
Question: Shall this Resolution be ADOPTED?
40. 031419 [Encouraging telecommunication companies to invest in the local communities to whom they provide service]  
Supervisor Gonzalez  
Resolution endorsing policies to encourage investment in local telecommunications services in California, investment in local communities, and increased employment opportunities.
- 8/12/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
Question: Shall this Resolution be ADOPTED?
41. 031420 [Honoring community leader Robert Hector]  
Supervisor Gonzalez  
Resolution declaring September 25th Robert Hector Day in commemoration of Robert Hector's lifetime dedication to providing children, youth and their families social, educational and recreational services in the City and County of San Francisco.
- 8/12/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
Question: Shall this Resolution be ADOPTED?

42. 031421 [Authorizing consulting firm to examine confidential State Board of Equalization tax records]  
Supervisor Maxwell  
Resolution authorizing Bay Area Economics to examine sales or transaction and use tax records of the State Board of Equalization on behalf of the City and County of San Francisco pursuant to California Revenue and Taxation Code Section 7056.

8/12/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

43. 031422 [Memorandum of Understanding between CCSF and CEC]  
Supervisor Maxwell  
Resolution approving the signing of a Memorandum of Understanding between the City and County of San Francisco (CCSF) and the California Energy Commission (CEC) to obtain support from the CEC for the implementation of the City's renewable energy, energy efficiency and distributed generation goals; and to authorize the San Francisco Public Utilities Commission (SFPUC) and the San Francisco Department of the Environment (SFE) to administer and act as co-leads for this agreement between CCSF and the CEC.

8/12/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

44. 031423 [Commending San Francisco International Arts Festival 2003]  
Supervisor Newsom  
Resolution commending the San Francisco International Arts Festival 2003 collaborative project members and the Yerba Buena Center for the Arts for presenting this year's festival from September 4th through September 21st in the City and County of San Francisco.

8/12/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

45. 031424 [Department of Children, Youth and Their Families Management Audit]  
Supervisor Newsom  
Motion directing the Office of the Controller to conduct a management audit of the Department of Children, Youth and Their Families.

8/12/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be ADOPTED?

46. 031378 [Final Map for a 5 Unit Residential Condominium Project]  
Motion approving Final Map of 1151 Church Street, A Residential Condominium Project, being a subdivision of Lot 29 in Assessor's Block No. 3650, and adopting findings pursuant to Planning Code Section 101.1.  
(Public Works Department)  
(No Public Benefit Recipient; DPW Order No. 174,308; District 8.)

8/12/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be ADOPTED?

**47. 031379 [Final Map for a 64 Unit Residential Condominium Project]**

Motion approving Final Map of St. Francis Bay Condominiums, 1 Crescent Way, A Residential Condominium Project, being a subdivision of Lot 235 in Assessor's Block No. 4991, accepting the offer of dedication of public improvements subject to completion, approving a public improvement agreement and adopting findings pursuant to Planning Code Section 101.1.

(Public Works Department)

(No Public Benefit Recipient; DPW Order No. 174,008; District 9.)

**Question: Shall this Motion be ADOPTED?**

**48. 031380 [Final Map for a 64 Unit Residential Condominium Project]**

Motion approving Final Map of St. Francis Bay Condominiums, 101 Crescent Way, A Residential Condominium Project, being a subdivision of Lot 236 in Assessor's Block No. 4991, accepting the offer of dedication of public improvements subject to completion, approving a public improvement agreement and adopting findings pursuant to Planning Code Section 101.1.

(Public Works Department)

(No Public Benefit Recipient; DPW Order No. 174,007; District 9.)

**Question: Shall this Motion be ADOPTED?**

*Questions on the For Adoption Without Committee Reference  
Agenda: \_\_\_\_\_*

**49. IMPERATIVE AGENDA**

*Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s).*

*[Serious Injury Finding]*

*Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."*

*[Purely Commendatory Finding]*

*Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.*

*[Imperative Resolutions, if any]*

**OFF-AGENDA LEGISLATION****PROPOSED ORDINANCES**

*Proposed ordinances received from August 5, 2003 through August 11, 2003, for reference by President to appropriate committee on August 19, 2003.*

- 031368 **[Zoning Map Amendment in connection with Seawall Lot 330]**  
Ordinance amending Zoning Map Sheet 1H of the City and County of San Francisco for property located on a portion of Seawall Lot 330, Assessor's Block 3771 to change the height and bulk district classification from 105-F to 220-G; adopting findings pursuant to the California Environmental Quality Act; and making findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.  
(Planning Department)  
(Companion measure to File 031369.)
- 8/7/2003, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 9/19/2003.
- 031369 **[General Plan Amendment in connection with Seawall Lot 330]**  
Ordinance amending the San Francisco General Plan in connection with approvals for the proposed Bryant Street Residential Tower on Seawall Lot 330; adopting findings pursuant to the California Environmental Quality Act; and adopting findings that the General Plan amendment is consistent with the eight Priority Policies of Planning Code Section 101.1.  
(Planning Department)
- 8/7/2003, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 9/19/2003.

## PROPOSED RESOLUTIONS

*Proposed resolutions received from August 5, 2003 through August 11, 2003, for reference by President to appropriate committee on August 19, 2003.*

- 031360 **[Contracting out Security Guard Services]**  
Resolution Concurring with the Controller's certification that security guard services provided by Zonux Security Solutions can be performed at a lower cost than similar services performed by City and County Employees.  
(Parking and Traffic Department)  
(Public Benefit Recipient.)
- 8/7/2003, RECEIVED AND ASSIGNED to Finance and Audits Committee.
- 031371 **[Report of assessment costs for sidewalk and curb repairs - DPW Order 174,073]**  
Resolution approving report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund.  
(Public Works Department)  
(No Public Benefit Recipient; DPW Order 174,073; Location: 1751 Silver Avenue.)
- 8/7/2003, SCHEDULED FOR PUBLIC HEARING. Scheduled for September 16, 2003.
- 031373 **[Report of assessment costs for sidewalk and curb repairs - DPW Order 174, 227]**  
Resolution approving report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund.  
(Public Works Department)  
(No Public Benefit Recipient; DPW Order No. 174,227; Locations: 279-283 Dolores Street; 439 Guerrero Street.)
- 8/7/2003, SCHEDULED FOR PUBLIC HEARING. Scheduled for September 16, 2003.

**031375 [Report of assessment costs for sidewalk and curb repairs - DPW Order 174, 249]**

Resolution approving report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund.  
(Public Works Department)

(No Public Benefit Recipient; DPW Order No. 174,249; Locations: 170 Flood Avenue; 1272-1274 Page Street.)

8/7/2003, SCHEDULED FOR PUBLIC HEARING. Scheduled for September 16, 2003.

**031382 [Provide assertive case management to people with HIV and substance abuse and mental disorders]**

Resolution authorizing the San Francisco Department of Public Health, AIDS Office (SFDPH, AIDS) to accept retroactively and expend a grant in the amount of \$490,947 from the Substance Abuse and Mental Health Services Administration (SAMHSA) for assertive case management for triply-diagnosed people and to enter into an agreement for the use of these funds; for the period of June 1, 2003, to May 30, 2004.

(Public Health Department)

(Public Benefit Recipient.)

8/11/2003, RECEIVED AND ASSIGNED to City Services Committee.

**031296 [Unpaid DPH Delinquent Refuse Service Payment Liens to become special assessments to the property taxes]**

Resolution confirming report of delinquent charges for refuse collection services and nuisance removal costs submitted by the Director of Public Health as modified to the date of adoption of this resolution, and creating Special Assessments and liens based thereon.

(Public Health Department)

7/24/2003, SCHEDULED FOR PUBLIC HEARING. Scheduled for August 26, 2003, at 4:00 p.m.

**031298 [Unpaid DPH complaint reinspection fee liens to become special assessments to the property taxes]**

Resolution confirming the report of delinquent reinspection fee costs submitted by the Director of Public Health, as modified to the date of adoption of the resolution, and creating liens and special assessments based thereon.

(Public Health Department)

7/24/2003, SCHEDULED FOR PUBLIC HEARING. Scheduled for August 26, 2003, at 4:00 p.m.

**031300 [Special Assessment Liens for Assessment of Costs]**

Resolution confirming report of Delinquent Charges for Code Enforcement cases with Delinquent Assessment of Costs, Emergency Order Fees, and Fees pursuant to the provisions of Section 102.3, 102.12, 102.17, 102.18 102.19 et.seq., and Sections 108 and 110 Tables 1-K, and 1-G of the San Francisco Building Code, submitted by the Director of the Department of Building Inspection for Services Rendered by said Department of Costs thereof having accrued to pursuant to the Code Violations referenced above.

(Building Inspection Department)

8/7/2003, SCHEDULED FOR PUBLIC HEARING. Scheduled for August 26, 2003, at 4:00 p.m.

**031429 [Petitions and Communications]**

Petitions and Communications received from August 5, 2003 through August 11, 2003, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on August 19, 2003.

From Office of the Controller, submitting report regarding cell phone use by the Department of Elections at the March 2002 primary election. (1)

From Planning Department, submitting notification of environmental review for proposed resolution imposing interim zoning controls establishing a requirement for conditional use authorization for large retail uses above 50,000 square feet. File 020682 (2)

From Planning Department, submitting Notice of Determination for the San Francisco Cruise Terminal Mixed-Use Project and Brannan Street Wharf Project, which has been filed with the County Clerk. File 030371 (3)

From Greg Lindgren and Jon Gasparini, submitting request for a Type 48 On-Sale liquor license for Greg Lindgren and Jon Gasparini at 688 Geary Street. (4)

From Municipal Transportation Agency, regarding the adopted budget for fiscal year 2003-04. (5)

From John Love International, regarding Conditional Use authorization to build a 93-room limited service hotel at 2026 Lombard Street. Files 0312265, 031266, Copy: Each Supervisor (6)

From Comcast Cable Communications, Inc., submitting notice that starting September 2003 Comcast will introduce a Chinese/Mandarin language package to cable customers in San Francisco. (7)

From the Gray Panthers, submitting opposition to reducing monthly grants for General Assistance recipients. Copy: Each Supervisor (8)

From Department of Building Inspection, submitting list of sole source items for fiscal year 2002-03. (9)

From Secretary of State, concerning invalidation of Elections Code Section 11382 that applies to All California Recall Elections. (10)

From Planning Department, regarding proposed ordinance to create a Divisadero Street Alcohol Restricted Use District prohibiting liquor establishments and regulating existing non-conforming liquor establishments. Copy: Each Supervisor (11)

From Planning Department, submitting notification that the Northeast Waterfront Special Sign District is receiving environmental review. Copy: Each Supervisor (12)

From Planning Department, regarding Interim Land Use Controls for Third Street between Islais Creek and Paul Avenue in the Bayview Hunters Point Neighborhood. File 030520 (13)

From Planning Department, regarding proposed ordinance, which would prohibit the sale or storage of alcohol, requiring a California Department of Alcohol Beverage Control liquor license as an accessory use in dwellings in R and NC Zoning Districts. File 031059 (14)

From Department of Aging and Adult Services, submitting list of sole source items for fiscal year 2002-03. (15)

From Airport, submitting annual report on the activities and financial results of SFO enterprises, Inc. during 2002 and the status of the sale of SFOE's subsidiary (SFOH) interest. (16)

From concerned citizens, submitting support for implementation of Prop N "Care Not Cash" as soon as possible. (17)

From James Chaffee, submitting press release announcing date of trial for alleged misuse of library funds. (18)

From Petra Johnson, urging the Board to support the purchase of 26 Advanced Life Support fire engines. Copy: Each Supervisor (19)

From Clerk of the Board, regarding funding provided in the budget for fiscal year 2003-04 as adopted by the Board of Supervisors. (20)

From Chait Diwadkar, submitting opposition to Muni buses advertising Dasani (water brand owned by Coca-Cola) products. (21)

From Mitchell Near, submitting opposition to placement of an entrance for the new underground-parking garage inside of the Music Concourse in Golden Gate Park. Copy: Each Supervisor (22)

From Diane Howell, submitting press release regarding Take Wings Foundation Awards Dinner on August 23, 2003 at the Hyatt Regency located at 5 Embarcadero Center in San Francisco. Copy: Each Supervisor (23)

From Gladstone & Associates, submitting report from the Karpik family (owners of property) under Conditional Use authorization to build a 93-room limited service hotel at 2026 Lombard Street, listing compromises made by the Karpik family prior to and during the Planing Commission hearing of June 12, 2003. Files 0312265, 031266, Copy: Each Supervisor (24)

From Harbor Bay Maritime, Inc., submitting request to the State Public Utilities Commission for a fare increase on its Vessel Common Carrier service on San Francisco Bay between the Harbor Bay Ferry Terminal in Alameda and authorized points in San Francisco. (25)

## ADJOURNMENT



**Legislation Pending Under the "30 Day Rule"**

These items may not be heard by Committee until the date in the right hand column.

As Revised

August 14, 2003

Rule 5.40 provides that when an ordinance or resolution is introduced which would **create or revise major city policy**, the committee to which the legislation is assigned shall not consider the legislation until at least thirty days after the date of introduction. The provisions of this rule shall not apply to the routine operations of the departments of the City or when a legal time limit controls the hearing timing. In general the rule shall not apply to hearings to consider subject matter when no legislation has been presented, nor shall the rule apply to resolutions which simply **urge** action to be taken.

Ordinance amending Public Works Code prohibiting posting of signs, on lamp posts and utility poles and amend definition of sign.	031273	Land Use Committee	Supervisor Ma	7/22/03	8/22/03
Resolution approving ballot and hearing procedures for renewal of the Union Square Business Improvement District	031276	Finance and Audits Committee	Supervisor Peskin	7/22/03	8/22/03
Resolution authorizing renewal and modification of the Union Square Business Improvement District	031277	Finance and Audits Committee	Supervisor Peskin	7/22/03	8/22/03
Ordinance amending Building Code technical changes	031406	Land Use Committee	Supervisor Daly	8/12/03	9/12/03
Draft Ordinance amending City Planning Code Workforce Housing Initiative	031407	Land Use Committee	Supervisor Newsom	8/12/03	9/12/03
Charter Amendment (First Draft) to add Sections 16.123-10 to establish a Public Education Fund.	031405	Rules Committee	Supervisor Newsom	8/12/03	9/12/03



BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 544-5227

**Notice of Board Recess  
BOARD OF SUPERVISORS**

NOTICE IS HEREBY GIVEN that the Board of Supervisors has cancelled all Board and Committee meetings from August 27 through September 14, 2003.

Board Committee meetings will resume on Monday, September 15, 2003, the next scheduled Board of Supervisors meeting will be held on Tuesday, September 16, 2003.

*Kay Gulbenkian*  
for Gloria L. Young  
Clerk of the Board



# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO AGENDA



Legislative Chamber - Second Floor  
City Hall, 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

Tuesday, August 26, 2003 2:00 PM

DOCUMENTS DEPT.

AUG 22 2003

SAN FRANCISCO  
PUBLIC LIBRARY

## Regular Meeting

MATT GONZALEZ, PRESIDENT  
TOM AMMIANO, CHRIS DALY, BEVAN DUFTY, TONY HALL,  
FIONA MA, SOPHIE MAXWELL, JAKE MCGOLDRICK,  
GAVIN NEWSOM, AARON PESKIN, GERARDO SANDOVAL

Gloria L. Young, Clerk of the Board

Agendas of the Board of Supervisors are available on the internet at [www.ci.sf.ca.us/bdsuprvs](http://www.ci.sf.ca.us/bdsuprvs)

## BOARD COMMITTEES

### Committee Membership

#### **Budget Committee**

Supervisors Daly, Peskin, Maxwell, Ma, Gonzalez

#### **City and School District Select Committee**

Supervisors Maxwell, Ammiano, Ma, Commissioners Cruz, Sanchez, Kelly

#### **City Services Committee**

Supervisors Dufty, Ma, Newsom

#### **Finance and Audits Committee**

Supervisors Peskin, Sandoval, McGoldrick

#### **Land Use Committee**

Supervisors McGoldrick, Maxwell, Ammiano

#### **Rules Committee**

Supervisors Hall, Dufty, Gonzalez

### Meeting Days

Thursday

1:00 PM

2nd Monday, bi-monthly

4:00 PM

Thursday

9:30 AM

Wednesday

12:30 PM

Monday

1:00 p.m.

Wednesday

9:30 AM

### **Know Your Rights Under the Sunshine Ordinance**

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Donna Hall by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at [Donna.Hall@sfgov.org](mailto:Donna.Hall@sfgov.org)

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Ms. Hall or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine.htm>

### **Lobbyist Registration and Reporting Requirements**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site [www.sfgov.org/ethics](http://www.sfgov.org/ethics)

**2. 031259 [Gift Acceptance, Laguna Honda Hospital - Electric Vehicles]****Supervisors Hall, Dufty**

Resolution authorizing the Department of Public Health, Laguna Honda Hospital to accept and use a gift of equipment-two electric vehicles in the amount of \$14,310 from the McKesson Corporation for the general benefit of all residents at Laguna Honda Hospital.

(Public Health Department)

(No Public Benefit Recipient.)

**Question: Shall this Resolution be ADOPTED?**

**Recommendations of the Finance and Audits Committee**

*Present: Supervisors Peskin, McGoldrick*

**3. 031244 [Glen Park Branch Library]****Supervisor Dufty**

Ordinance approving and authorizing the Director of Property to execute an Agreement of Purchase and Sale of Real Property with Glen Park Marketplace Phoenix, LLC, for the purchase of a condominium unit in a mixed use project to be located at Diamond and Wilder Streets for use as the Glen Park branch of the San Francisco Public Library; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1.; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this Ordinance.

(Fiscal impact.)

8/19/2003, PASSED ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

**4. 031315 [MOU - Fire Fighters Union, Local 798 IAFF, AFL-CIO, Unit 1]****Mayor, Supervisor Dufty**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Fire Fighters Union, Local 798 IAFF, AFL-CIO, Unit 1, to be effective July 1, 2003 through June 30, 2005.

8/19/2003, PASSED ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

**5. 031316 [MOU - Fire Fighters Union, Local 798 IAFF, AFL-CIO, Unit 2]****Mayor, Supervisor Dufty**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Fire Fighters Union, Local 798 IAFF, AFL-CIO, Unit 2, to be effective July 1, 2003 through June 30, 2005.

8/19/2003, PASSED ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

*Present: Supervisors McGoldrick, Maxwell, Ammiano*

9. 031213

**[Amending Residential Rent Stabilization and Arbitration Ordinance]**

Ordinance amending Administrative Code Chapter 37 (Residential Rent Stabilization and Arbitration Ordinance) by amending Section 37.4 to provide that if one of the two regular landlord members is unavailable to vote, that member's specific alternate shall be seated and vote, but if that member's specific alternate is also unavailable to vote, the other landlord alternate shall (if available) be seated and vote as a substitute alternate; if one of the two regular tenant members is unavailable to vote, that member's specific alternate shall be seated and vote, but if that member's specific alternate is also unavailable to vote, the other tenant alternate shall (if available) be seated and vote as a substitute alternate; this would modify the current Code that provides each of the two regular landlord members with a specific alternate, but no mechanism for the two landlord alternates to substitute for one another; likewise, this would modify the current Code that provides each of the two regular tenant members with a specific alternate, but no mechanism for the two tenant alternates to substitute for one another.

(Rent Stabilization and Arbitration Board)

8/19/2003, PASSED ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

**Recommendations of the Rules Committee**

*Present: Supervisors Dufty, Gonzalez*

10. 031254

**[Settlement of Lawsuit - Evelyn Mata]**

Ordinance authorizing settlement of the lawsuit filed by Evelyn Mata against the City and County of San Francisco, San Francisco Police Department and Nancy Brewer for \$50,000; the lawsuit was filed on August 9, 2002 in San Francisco Superior Court, Case No. C-01-411318 entitled Evelyn Mata v. City and County of San Francisco, San Francisco Police Department, Nancy Brewer, et al. (City Attorney)

(Public Benefit Recipient.)

8/19/2003, PASSED, ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

11. 031338

**[Settlement of Lawsuit - Bellaire Tower Homeowners Association]**

Ordinance authorizing settlement of the lawsuit filed by Bellaire Tower Homeowners Association against the City and County of San Francisco for \$83,862.34; the lawsuit was filed on December 31, 2001 in San Francisco Superior Court, Case No. 402-355; entitled Bellaire Tower Homeowners Association, et al. v. City and County of San Francisco, et al.

(City Attorney)

(Public Benefit Recipient.)

8/19/2003, PASSED, ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

*Present: Supervisors Hall, Dufty, Gonzalez*

## REGULAR AGENDA

### NEW BUSINESS

#### Recommendations of the City Services Committee

*Present: Supervisors Dufty, Ma, Newsom*

13.      031227    [Liquor License, 863 Bush Street]  
Resolution determining that the issuance of a Type 42 on-sale beer and wine license to Joie de Vivre Hospitality, Inc. for Petite Auberge located at 863 Bush Street (District 3), will serve the convenience of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code.
- Question: Shall this Resolution be ADOPTED?
14.      031256    [State Grant - Safe Routes to School Funds]  
Supervisor Dufty  
Resolution authorizing the Director of Transportation or his designee to apply for retroactively, accept, and expend \$444,060.00 in California State "Safe Routes to Schools" funds, with required local match of \$48,940.00  
(Parking and Traffic Department)  
(No Public Benefit Recipient.)
- Question: Shall this Resolution be ADOPTED?
15.      031257    [State Grant - Safe Routes to School Funds]  
Supervisor Dufty  
Resolution authorizing the Director of Transportation or his designee to apply for retroactively, accept, and expend \$428,400.00 in California State "Safe Routes to Schools" funds, with required local match of \$47,600.00.  
(Parking and Traffic Department)  
(No Public Benefit Recipient.)
- Question: Shall this Resolution be ADOPTED?
16.      031322    [Amendment(s) to Design Agreement for the Laguna Honda Hospital Replacement Program]  
Supervisor Hall  
Resolution authorizing the Director of Public Works to execute amendment(s) to a design agreement for the Laguna Honda Hospital replacement program from \$29,900,000 to \$31,533,540.  
(Fiscal impact.)
- Question: Shall this Resolution be ADOPTED?

22. 031339 [Lease of Real Property]  
Resolution authorizing the renewal of a lease of real property at 755 and 759 South Van Ness Avenue for continued use by the Department of Public Health, Community Behavioral Health Services.  
(Real Estate Department)  
(Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

### Recommendations of the Land Use Committee

*Present: Supervisors McGoldrick, Ammiano*

23. 031198 [CEQA Findings in Connection with the California Academy of Sciences Project]  
**Mayor**  
Resolution affirming the Planning Commission's certification of the California Academy of Sciences Final Environmental Impact and adopting environmental findings (and a statement of overriding considerations) pursuant to the California Environmental Quality Act, State Guidelines, and Administrative Code Chapter 31 in connection with the California Academy of Sciences project.  
(Mayor)
24. 031197 [California Academy of Sciences Project Approval]  
**Mayor**  
Resolution approving the construction of the California Academy of Sciences project in Golden Gate Park pursuant to section 4.113 of the San Francisco Charter; adopting findings pursuant to the California Environmental Quality Act; and adopting findings that the project is consistent with the city's general plan, the Golden Gate Park master plan, and eight priority policies of city Planning Code section 101.1.  
(Mayor)

Question: Shall this Resolution be ADOPTED?



**SPECIAL ORDER 4:00 P.M.**

29. 031299 [Public Hearing]  
Hearing of persons interested in or objecting to report of Delinquent Charges for Code Enforcement cases with Delinquent Assessment of Costs, Emergency Order Fees, and Fees pursuant to the provisions of Section 102.3, 102.12, 102.17, 102.18 102.19 et.seq., and Sections 108 and 110 Tables 1-K, and 1-G of the San Francisco Building Code, submitted by the Director of the Department of Building Inspection for services rendered by said Department of costs thereof having accrued to pursuant to the Code Violations referenced above.  
(Clerk of the Board)

Action: \_\_\_\_\_

30. 031300 [Special Assessment Liens for Assessment of Costs]  
Resolution confirming report of Delinquent Charges for Code Enforcement cases with Delinquent Assessment of Costs, Emergency Order Fees, and Fees pursuant to the provisions of Section 102.3, 102.12, 102.17, 102.18 102.19 et.seq., and Sections 108 and 110 Tables 1-K, and 1-G of the San Francisco Building Code, submitted by the Director of the Department of Building Inspection for services rendered by said Department of costs thereof having accrued to pursuant to the Code Violations referenced above.  
(Building Inspection Department)

Question: Shall this Resolution be ADOPTED?

**SPECIAL ORDER 4:00 P.M.****Board of Supervisors Sitting as a Committee of the Whole**

(PENDING APPROVAL OF FILE 031459)

31. 031458 [Proposed amendment Rule 2.28.1 of the Rules of Order]  
Supervisor Gonzalez  
Hearing to a proposed amendment Rule 2.28.1 of the Rules of Order of the Board of Supervisors to require that a proposed charter amendment be introduced at a Board meeting held not less than 168 days prior to the election at which it is to be considered by the electors, rather than 169 days prior to the election.

Action: \_\_\_\_\_

**Committee of the Whole Rise and Report**

34. 031365 [600 Portola Drive Tentative Subdivision Map]  
Motion approving decision of the Director of Public Works, approving Tentative Subdivision Map to legalize the construction of a 18 unit new condominium mixed-use project in Assessor's Block 2892, Lot 1, at 600 Portola Drive.  
(Clerk of the Board)
- Question: Shall this Motion be ADOPTED?
35. 031366 [600 Portola Drive Tentative Subdivision Map]  
Motion disapproving decision of the Director of Public Works, approving Tentative Subdivision Map to legalize the construction of a 18 unit new condominium mixed-use project in Assessor's Block 2892, Lot 1, at 600 Portola Drive.  
(Deputy Clerk)
- Question: Shall this Motion be ADOPTED?
36. 031367 [Findings - 600 Portola Drive]  
Motion directing the Clerk of the Board to prepare findings relating to Tentative Subdivision Map to legalize the construction of a 18 unit new condominium mixed-use project in Assessor's Block 2892, Lot 1, at 600 Portola Drive.  
(Clerk of the Board)
- Question: Shall this Motion be ADOPTED?

## COMMITTEE REPORTS

*Reports from committees, if any, recommending emergency or urgent measures.*

### From the Rules Committee

*The following items will be considered by the Rules Committee at a Regular Meeting on Wednesday, August 20, 2003 at 9:30 a.m. The Chair intends to request the Committee to send the following items to the Board as a committee report.*

37. 031349 [Appointment]  
Resolution appointing Howard Ash and William Wilkinson for indefinite terms to the Public Utilities Commission Rate Fairness Board.  
Howard Ash, new position, seat 1, must be a residential city retail customer, for an indefinite term.  
William Wilkinson, new position, seat 2, must be a small business city retail customer, for an indefinite term.
- Question: Shall this Resolution be ADOPTED?
38. 031357 [Confirming the appointment of Wilbert Din to the Municipal Transportation Agency Board of Directors]  
Mayor  
Resolution confirming the appointment of Wilbert Din to the Board of Directors of the Municipal Transportation Agency, term ending March 1, 2007.
- Question: Shall this Resolution be ADOPTED?

## 43. PUBLIC COMMENT

*An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes.*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

*These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.*

### Items 44 through 62

44. 031459 [Committee of the Whole]  
Supervisor Gonzalez  
Motion scheduling a Committee of the Whole to consider a proposed amendment Rule 2.28.1 of the Rules of Order of the Board of Supervisors to require that a proposed charter amendment be introduced at a Board meeting held not less than 168 days prior to the election at which it is to be considered by the electors, rather than 169 days prior to the election, to be held on August 26, 2003 at 4:00 p.m.
- 8/19/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING. Board to sit as a Committee of the Whole August 26, 2003, at 4:00 p.m.
- Question: Shall this Motion be ADOPTED?
45. 031421 [Authorizing consulting firm to examine confidential State Board of Equalization tax records]  
Supervisor Maxwell  
Resolution authorizing Bay Area Economics to examine sales or transaction and use tax records of the State Board of Equalization on behalf of the City and County of San Francisco pursuant to California Revenue and Taxation Code Section 7056.
- 8/12/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 8/19/2003, CONTINUED. Continued to August 26, 2003
- Question: Shall this Resolution be ADOPTED?
46. 031433 [Honoring Nancy Hom and Proclaiming September 4, 2003 Nancy Hom Day in San Francisco]  
Supervisor Sandoval  
Resolution commending Nancy Hom for her significant contributions to the Asian Pacific American and Bay Area communities and proclaiming September 4, 2003 Nancy Hom Day in San Francisco.
- 8/20/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?

52. 031476 [Commending Old First Presbyterian Church and Doris Krauss]  
Supervisor Newsom  
Resolution commending the Old First Presbyterian Church on its 40th Year Anniversary, the rededication and renaming of its senior center to the "Doris Krauss Senior Center" and commending Doris Krauss for her 29-plus years of tireless dedication, commitment and overall contributions to the well-being of the senior population of San Francisco.
- 8/19/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
53. 031477 [Commending Pets Unlimited and PAWS]  
Supervisors Newsom, Dufty  
Resolution commending Pets Unlimited and the Pets Are Wonderful Support ("PAWS") for collaboration in hosting this year's Doggone Fun Run on September 14, 2003 at Lindley Meadow in Golden Gate Park.
- 8/19/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
54. 031478 [National Alcohol and Drug Addiction Recovery Month 2003]  
Supervisors Newsom, Dufty  
Resolution declaring September 2003 as "National Alcohol and Drug Addiction Recovery Month" in the City and County of San Francisco.
- 8/19/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?

58. 031380 [Final Map for a 64 Unit Residential Condominium Project]  
Motion approving Final Map of St. Francis Bay Condominiums, 101 Crescent Way, A Residential Condominium Project, being a subdivision of Lot 236 in Assessor's Block No. 4991, accepting the offer of dedication of public improvements subject to completion, approving a public improvement agreement and adopting findings pursuant to Planning Code Section 101.1.  
(Public Works Department)  
(No Public Benefit Recipient; DPW Order No. 174,008; District 9.)

8/18/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be ADOPTED?

59. 031427 [Final Map for a 100 Unit Residential Condominium Project]  
Motion approving Final Map of Channel Park Condominium, 255 Berry Street, a Residential Condominium Project, being a subdivision of Lot 4 Assessor's Block No. 8708, and adopting findings pursuant to Planning Code Section 101.1.  
(Public Works Department)  
(No Public Benefit Recipient; DPW Order No. 174,317; District 6.)

8/18/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be ADOPTED?

60. 031455 [Needle Exchange Emergency]  
Supervisors Ammiano, Newsom, Daly, Peskin, McGoldrick, Maxwell, Dufty  
Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

8/19/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be ADOPTED?

61. 031472 [Approving request Clerk of the Board to carry forward \$257,563 from the FY Budget]  
Motion approving the request of the Clerk of the Board of Supervisors to carry forward from the Fiscal Year 2002-2003 Budget, unexpended annual budget appropriations in the amount of approximately \$257,563 to provide funds for the first phase of costs associated with the legislative tracking system replacement.  
(Clerk of the Board)

8/19/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be ADOPTED?

62. 031474 [Co-Sponsorship of the World Congress on the Future of Work in March 2004]  
Supervisor Gonzalez  
Motion approving the co-sponsorship of the World Congress on the Future of Work in March 2004.

8/19/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be ADOPTED?

## 63. IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s).

[Serious Injury Finding]

Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

[Purely Commendatory Finding]

Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

[Brown Act Finding]

Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

[Imperative Resolutions, if any]

## OFF-AGENDA LEGISLATION

## PROPOSED ORDINANCES

*Proposed ordinances received from August 12, 2003 through August 18, 2003, for reference by President to appropriate committee on August 26, 2003.*

### 031383 [Setting San Francisco's fiscal year 2003-2004 property tax rate and establishing pass-through rate for residential tenants]

Ordinance providing revenue and levying property taxes for City and County purposes and establishing pass-through rate for residential tenants pursuant to Chapter 37 of the Administrative Code for the fiscal year ending June 30, 2004.  
(Controller)

8/14/2003, RECEIVED AND ASSIGNED to Finance and Audits Committee. Sponsor requests this item be scheduled for consideration at the September 17, 2003 meeting.

- 031439 [Speed Limit - Potrero Avenue between Brannan and Cesar Chavez Streets]  
Ordinance adding Section 174.13 and removing Section 175.07 of the San Francisco Traffic Code to reduce the speed limit from 30-mph to 25-mph on Potrero Avenue between Brannan and Cesar Chavez Streets.  
(Parking and Traffic Department)  
(No Public Benefit Recipient.)

8/12/2003, RECEIVED AND ASSIGNED to Land Use Committee.

## PROPOSED RESOLUTIONS

*Proposed resolutions received from August 12, 2003 through August 18, 2003, for reference by President to appropriate committee on August 26, 2003.*

- 031389 [Amending the Redevelopment Agency Budget for Tax Increments in Mission Bay North and South]  
Resolution amending the budget of the Redevelopment Agency of the City and County of San Francisco for fiscal year 2003-2004 to allow the Controller to increase the tax increments distributed to the Redevelopment Agency in accordance with the Tax Increment Allocation Pledge Agreements for Mission Bay North and Mission Bay South.  
(Controller)

8/14/2003, RECEIVED AND ASSIGNED to Finance and Audits Committee.

- 031390 [Lease of Real Property]  
Resolution authorizing renewal of a lease of real property at 1372 Mission Street, for continued use by the Department of Public Health's Saint James Infirmary and STD Program Research Offices  
(Real Estate Department)  
(Public Benefit Recipient.)

8/15/2003, RECEIVED AND ASSIGNED to Finance and Audits Committee.

- 031394 [Lease of Real Property]  
Supervisor Maxwell  
Resolution authorizing renewal of a lease of real property at 1360 Mission Street, Suite 400, for continued use by the Department of Public Health, Employee Assistance Program.  
(Real Estate Department)  
(Public Benefit Recipient.)

8/15/2003, RECEIVED AND ASSIGNED to Finance and Audits Committee.

## 031436 [STOP Intersections]

Resolution designating certain intersections as "STOP" intersections.

## STOP SIGNS - ESTABLISH

26th and Diamond Streets, stopping Diamond Street, making this intersection an all-way STOP; Montecito Avenue and Northwood Drive, stopping Northwood Drive, making this uncontrolled intersection a two-way STOP; and

15th Avenue and Noriega Street, south intersection, stopping southbound 15th Avenue at Noriega Street, making this uncontrolled Y-intersection a one-way STOP.

(Parking and Traffic Department)

(8/6/03: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2671; No Public Benefit Recipient.)

8/12/2003, RECEIVED AND ASSIGNED to Land Use Committee.



**031438 [Traffic Regulations]**

Resolution enacting and rescinding traffic regulations on various streets.

**NO U-TURNS - ESTABLISH**

Treasure Island Road, both directions, at McCalla Road.

**LEFT LANE MUST TURN LEFT - ESTABLISH**

Grant Avenue, northbound, at Pine Street.

**NO LEFT TURN, 4 PM TO 6 PM, EXCEPT SUNDAY - RESCIND**

Montgomery Street, northbound, at Broadway.

(Parking and Traffic Department)

(8/6/03: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2671; No Public Benefit Recipient.)

8/12/2003, RECEIVED AND ASSIGNED to Land Use Committee.

**031446 [Report of assessment costs for sidewalk and curb repairs - DPW Order 174,311]**

Resolution approving report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 174,311; Locations: 800 Shrader Street; 1062 Goettingen Street; 449 Frederick Street.)

8/18/2003, SCHEDULED FOR PUBLIC HEARING. Scheduled for September 16, 2003.

**031447 [Accept-Expend State Grant]**

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of \$25,000 from the California Integrated Waste Management Board for a project that will incorporate recycled tire rubber surfaces in the Golden Gate Concourse Underground Parking Facility.

(Environment)

(Public Benefit Recipient.)

8/12/2003, RECEIVED AND ASSIGNED to City Services Committee.

From Recreation and Park Department, responding to the requirements of Resolution 157-99 Lead Poisoning Prevention. (16)

From Kent Goodwin, submitting his concern with the condition of the City (how city services are managed, physical appeal and characteristics, cleanliness and order, homelessness, the condition of the streets, sidewalks and parks, sense of public safety and order) compared to New York, Chicago, etc. File 030848, Copy: Each Supervisor (17)

From Peter Warfield, submitting his opinion of the proposed Glen Park Library/Glen Park Marketplace plan. File 031244, Copy: Each Supervisor (18)

From Marilyn Amini, regarding motion related to the appeal of the determination by the Planning Department on Secondary Units. File 031335, Copy: Each Supervisor (19)

From Animal Care and Control Department, submitting that the funding provided in the budget for fiscal year 2003-04 as adopted by the Board of Supervisors is adequate for the department to meet service levels as proposed by the Board. (20)

From Chief Medical Examiner, submitting that the funding provided in the budget for fiscal year 2003-04 as adopted by the Board of Supervisors is adequate for the department to meet service levels as proposed by the Board. (21)

From Office of the Controller, submitting that the funding provided in the budget for fiscal year 2003-04 as adopted by the Board of Supervisors is adequate for the department to meet service levels as proposed by the Board. (22)

From Ethics Commission, submitting that the funding provided in the budget for fiscal year 2003-04 as adopted by the Board of Supervisors is adequate for the department to meet service levels as proposed by the Board. (23)

From Department of Human Services, submitting that the funding provided in the budget for fiscal year 2003-04 as adopted by the Board of Supervisors is adequate for the department to meet service levels as proposed by the Board. (24)

From Juvenile Probation Department, submitting that the funding provided in the budget for fiscal year 2003-04 as adopted by the Board of Supervisors is adequate for the department to meet service levels as proposed by the Board. (25)

From Public Library, submitting that the funding provided in the budget for fiscal year 2003-04 as adopted by the Board of Supervisors is adequate for the department to meet service levels as proposed by the Board. (26)

From Office of the Public Defender, submitting that the funding provided in the budget for fiscal year 2003-04 as adopted by the Board of Supervisors is adequate for the department to meet service levels as proposed by the Board. (27)

From Department of Public Works, submitting that the funding provided in the budget for fiscal year 2003-04 as adopted by the Board of Supervisors is adequate for the department to meet service levels as proposed by the Board. (28)

From Residential Rent Stabilization and Arbitration Board, submitting that the funding provided in the budget for fiscal year 2003-04 as adopted by the Board of Supervisors is adequate for the department to meet service levels as proposed by the Board. (29)

From Department of Telecommunications and Information Services, submitting that the funding provided in the budget for fiscal year 2003-04 as adopted by the Board of Supervisors is adequate

From the State Office of Homeland Security, submitting notice of grant approval in the amount of \$1,824,467.00. (49)

From U.S. Bankruptcy Court, regarding hearing to consider confirmation of plan of reorganization under Chapter 11 of the Bankruptcy Code for Pacific Gas and Electric Company and deadline for filing objections to confirmation. (50)

From State Board of Equalization, submitting proposed amendments to the Rules of Practice of the State Board of Equalization that make substantive revisions to Articles 4, Article 7 and Article 9, as well as minor revisions or corrections throughout the Rules of Practice. (51)

From Steve Keller, submitting some alternative sites for the Halloween festival that is usually held in the Castro district. Copy: Each Supervisor (52)

APPOINTMENTS BY THE MAYOR  
Civil Service Commission  
Alicia Becerril

Building Inspection Commission  
Bobbie Sue Hood  
Roy Guinnane

## ADJOURNMENT





**City and County of San Francisco  
NOTICE OF PUBLIC HEARING  
Board of Supervisors**

General Notice

Transmitted 09-02-2003

A public hearing will be held on 9/16/03, at 6:30 PM, or as soon as possible after that time, at Legislative Chamber, Rm 250, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102

The Board of Supervisors will hold a public hearing relative to the listed subjects pending verification of signatures. All interested parties are cordially invited to attend. Persons who are unable to attend the hearing may submit written comments regarding this matter prior to the beginning of the hearing. These comments will become part of the official public record.

Mail comments for the Listed Files to: Board of Supervisors, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

**031485 Public Hearing - Appeal, Final EIR for the 301 Mission Street Project**

Hearing of persons interested in or objecting to the Planning Commission certification of the Final Environmental Impact Report Case No. 2001.0792E, for a proposed mixed use development located at 301 Mission Street, near the Transbay Terminal in downtown San Francisco, Assessor's Block 3719, Lots 1 and 17. (Appellant: Sue C. Hestor, attorney for the Rincon Hill Residents Association).

Gloria L. Young, Clerk of the Board

DOCUMENTS DEPT.

SEP - 4 2003

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# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

## AGENDA

DOCUMENTS DEPT.

SEP 11 2003

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Legislative Chamber - Second Floor  
City Hall, 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

Tuesday, September 16, 2003 2:00 PM

### Regular Meeting

MATT GONZALEZ, PRESIDENT  
TOM AMMIANO, CHRIS DALY, BEVAN DUFTY, TONY HALL,  
FIONA MA, SOPHIE MAXWELL, JAKE MCGOLDRICK,  
GAVIN NEWSOM, AARON PESKIN, GERARDO SANDOVAL

Gloria L. Young, Clerk of the Board

Agendas of the Board of Supervisors are available on the internet at [www.ci.sf.ca.us/bdsupvrs](http://www.ci.sf.ca.us/bdsupvrs)

### BOARD COMMITTEES

#### Committee Membership

##### **Budget Committee**

Supervisors Daly, Peskin, Maxwell, Ma, Gonzalez

##### **City and School District Select Committee**

Supervisors Maxwell, Ammiano, Ma, Commissioners Cruz, Sanchez, Kelly

##### **City Services Committee**

Supervisors Dufty, Ma, Newsom

##### **Finance and Audits Committee**

Supervisors Peskin, Sandoval, McGoldrick

##### **Land Use Committee**

Supervisors McGoldrick, Maxwell, Ammiano

##### **Rules Committee**

Supervisors Hall, Dufty, Gonzalez

#### Meeting Days

Thursday

1:00 PM

2nd Monday, bi-monthly

4:00 PM

Thursday

9:30 AM

Wednesday

12:30 PM

Monday

1:00 PM

Wednesday

9:30 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

## Board Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4) standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

Agenda are available on the internet at [www.sfgov.org/bdsupvrs.bos.htm](http://www.sfgov.org/bdsupvrs.bos.htm).

THE AGENDA PACKET IS AVAILABLE AT CITY HALL, ROOM 244, RECEPTION DESK.

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 557-4293.

Results of each Board meeting can be obtained about a half hour after the end of the meeting by telephoning (415) 554-5555.

Requests for language translation at a meeting must be received no later than noon the Friday before the meeting. Contact Ohn Myint at (415) 554-7704.

AVISO EN ESPAÑOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

**翻譯 必須在會議前最少四十八小時提出要求**  
**請電 (415) 554-7701**

## Disability Access

The Legislative Chamber of the Board of Supervisors is in Room 250 of City Hall, 1 Dr. Carlton B. Goodlett Place. The Chamber is wheelchair accessible.

The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex.

All meetings are real-time captioned and are cablecast open-captioned on SF Cable 26.

The following services are available when requests are made by 4:00 p.m. of the Friday before the Board meeting. This advance notice will help ensure availability.

- For American Sign Language interpreters or use of a reader during a meeting, contact Ohn Myint at (415) 554-7704.

- For a large print copy of agenda or minutes in alternative formats, contact Annette Lonich at (415) 554-7706.

Assistive listening devices are available from the receptionist in the Clerk of the Board's Office, Room 244, prior to the meeting.

The Clerk of the Board's Office TTY number is (415) 554-5227.

In order to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.



### **Know Your Rights Under the Sunshine Ordinance**

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Donna Hall by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at [Donna.Hall@sfgov.org](mailto:Donna.Hall@sfgov.org)

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Ms. Hall or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine.htm>

### **Lobbyist Registration and Reporting Requirements**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site [www.sfgov.org/ethics](http://www.sfgov.org/ethics)

## ROLL CALL AND PLEDGE OF ALLEGIANCE

## APPROVAL OF MEETING MINUTES

*Motion to approve the August 12, 2003 and the August 19, 2003 Board Minutes.*

## AGENDA CHANGES

## COMMUNICATIONS

*Note: Each item on the Consent or Regular agenda may include the following documents:*

- 1) Legislation*
- 2) Budget Analyst report*
- 3) Legislative Analyst report*
- 4) Department or Agency cover letter and/or report*
- 5) Public correspondence*

*These items will be available for review at City Hall, Room 244, Reception Desk.*

## CONSENT AGENDA

*All matters listed hereunder constitute a Consent Agenda, are considered to be routine by the Board of Supervisors and will be acted upon by a single roll call vote of the Board. There will be no separate discussion of these items unless a member of the Board so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.*

### Items 1 through 9

### Recommendations of the City Services Committee

*Present: Supervisors Duffy, Newsom*

1. 031126 [Liquor License Transfer, One Tillman Place]

Resolution determining that the transfer of a Type 48 on-sale general public premises license from Pier 28, The Embarcadero to One Tillman Place (District 3), to Aqua Azul, LLC for Azul, will serve the convenience of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

**Question: Shall this Resolution be ADOPTED?**

2. 031192 [Liquor License Transfer, 662 Mission Street]

Resolution determining that the transfer of a Type 48 on-sale general public premises license from 811 Valencia Street to 662 Mission Street (District 6), to Shawman Group, LLC, dba "Fluid", will serve the convenience of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

Question: Shall this Resolution be ADOPTED?

3. 031214 [Liquor License Transfer, 550-15th Street]

Resolution determining that the transfer of a Type 48 on-sale general public premises license from 536 Golden Gate Avenue to 550-15th Street (District 6), to Peter Glikshtern dba "Five50, Inc.", will serve the convenience of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

Question: Shall this Resolution be ADOPTED?

4. 031402 [Extension of the First Source Hiring Program]

Supervisors Maxwell, Dufty, Newsom, Ammiano, McGoldrick

Ordinance amending the San Francisco Administrative Code by amending Section 83.18 to extend the expiration date of the provisions of the First Source Hiring Program by one year.

8/26/2003, PASSED ON FIRST READING. Supervisor Ammiano and McGoldrick requested to be added as co-sponsors.

Question: Shall this Ordinance be FINALLY PASSED?

5. 031336 [Study of at-risk and HIV positive youth in San Francisco]

Supervisors Dufty, Newsom

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to enter retroactively into an agreement in the amount of \$19,800 with The Regents of the University of California San Francisco (UCSF), the primary contractor, to participate in a study of at-risk and HIV positive youth in San Francisco, for the period of March 1, 2003, to February 29, 2004.  
(Public Health Department)  
(No Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

6. 031337 [Emergency Medical Services Fund Reimbursement]

Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health, Emergency Medical Services (SFDPH, EMS) to accept and expend retroactively funds in the amount of \$920,650 from the Emergency Medical Services Fund (EMSF) to reimburse providers for emergency medical services rendered during the period of July 1, 2002 to June 30, 2004, and for administrative costs associated with this program.  
(Public Health Department)  
(No Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

### Recommendations of the Finance and Audits Committee

*Present: Supervisors Peskin, McGoldrick*

7. 031274 [Conservatory of Flowers - Fees]  
Supervisor McGoldrick  
Ordinance making environmental findings and amending the San Francisco Park Code by adding Section 12.34 to establish the admission fees for the Conservatory of Flowers.

8/26/2003, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

8. 031399 [Stow Lake and Spreckels Lake restoration, sole source contract]  
Mayor, Supervisor Hall  
Ordinance authorizing the Recreation and Park Department to negotiate and enter into a sole-source contract with Aquatic Environments, Inc., Alamo, California, to dredge Stow Lake and Spreckels Lake, install aeration and circulation equipment and repair the Lake edge.

8/26/2003, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

### Recommendation of the Land Use Committee

*Present: Supervisors McGoldrick, Maxwell, Ammiano*

9. 031194 [Recreation and Park Commission to procure construction and design/build services in connection with the California Academy of Sciences project]  
Mayor, Supervisor Ammiano  
Ordinance authorizing the Recreation and Park Commission to award contracts for construction and/or design/build services in connection with the reconstruction of the California Academy of Sciences.  
(Mayor)

8/26/2003, PASSED ON FIRST READING. Supervisor Ammiano requested to be added as a co-sponsor.

Question: Shall this Ordinance be FINALLY PASSED?

*Questions on the Consent Agenda are on final passage, first reading, or adoption, as indicated:* \_\_\_\_\_

## REGULAR AGENDA

## UNFINISHED BUSINESS

### Recommendation of the Finance and Audits Committee

*Present: Supervisors Peskin, Sandoval, McGoldrick*

10. 030848 [General Assistance-In-kind Assistance]  
Supervisors Newsom, Dufty, Sandoval, McGoldrick, Peskin  
Ordinance modifying the City's General Assistance (GA) Program by amending San Francisco Administrative Code Sec. 20.57 to reflect the current grant amount; amending Administrative Code Sec. 20.59.3 to provide in-kind housing, utilities and meals to homeless applicants and recipients; amending Administrative Code Sec. 20.57.1 to value housing, utilities and meals provided to homeless recipients as in-kind assistance; adding Administrative Code Sec. 20.57.6A. to provide a special needs allowance to homeless recipients; adding Administrative Code Sec. 20.60.12 to establish a baseline GA budget; adding Administrative Code Sec. 20.60.13 to require a Controller's evaluation; adding Administrative Code Sec. 20.60.14 to establish an operative date for these amendments of on or before July 1, 2003.

7/8/2003, CONTINUED. Continued to July 15, 2003

7/15/2003, REFERRED to Finance and Audits Committee.

8/12/2003, CONTINUED. Continued to September 16, 2003.

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

**From the Finance and Audits Committee "Without Recommendation"**

*Present: Supervisors Peskin, Sandoval, McGoldrick*

11. 031361 [General Assistance-In-Kind Assistance; Department of Human Services Care Fund]  
Supervisors Hall, Newsom  
Ordinance modifying the City's General Assistance (GA) Program by amending San Francisco Administrative Code Sec. 20.57 to reflect the current grant amount; amending Administrative Code Sec. 20.59.3 to provide in-kind housing, utilities and meals to homeless applicants and recipients; amending Administrative Code Sec. 20.57.1 to value housing, utilities and meals provided to homeless recipients as in-kind assistance; adding Administrative Code Sec. 20.57.6A. to provide a special needs allowance to homeless recipients; adding Administrative Code Sec. 20.60.12 to establish a baseline GA budget; adding Administrative Code Sec. 20.60.13 to require a Controller's evaluation; adding Administrative Code Sec. 20.60.14 to establish an operative date for these amendments of on or before July 1, 2003; and amending the San Francisco Administrative Code by adding Section 10.100-77, to establish a Department of Human Services Care Fund, defining terms, identifying revenues, restricting permissible uses, providing for verification and adjustment of appropriations, and limiting expenditures in excess of the fund cap.  
Supervisor McGoldrick dissenting.

8/12/2003, CONTINUED. Continued to September 16, 2003.

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

**Recommendations of Finance and Audits Committee**

*Present: Supervisors Peskin, Sandoval, McGoldrick*

12. 031238 [Establishing a Department of Human Services Care Fund]  
Supervisors Hall, Newsom, Peskin  
Ordinance amending the San Francisco Administrative Code by adding Section 10.100-77, to establish a Department of Human Services Care Fund, defining terms, identifying revenues, restricting permissible uses, providing for verification and adjustment of appropriations, and limiting expenditures in excess of the fund cap.  
(Fiscal impact.)
- 8/12/2003, CONTINUED. Continued to September 16, 2003.
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
13. 031240 [Establishing Cash for Care Special Account]  
Supervisor McGoldrick  
Ordinance amending Section 10.100 of the San Francisco Administrative Code to establish the Cash for Care Special Account to receive, administer and fund programs for the homeless of San Francisco.  
(Fiscal impact.)

8/12/2003, CONTINUED. Continued to September 16, 2003.

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

14. 031241 [Expanding Eligibility to Participate in Annual Joint Fundraising Drive]  
Supervisor McGoldrick

Ordinance amending Section 16.93-2 of the San Francisco Administrative Code to allow the Cash for Care Special Account to participate in the annual joint fundraising drive.

8/12/2003, CONTINUED. Continued to September 16, 2003.

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

15. 031244 [Glen Park Branch Library]  
Supervisor Dufty

Ordinance approving and authorizing the Director of Property to execute an Agreement of Purchase and Sale of Real Property with Glen Park Marketplace Phoenix, LLC, for the purchase of a condominium unit in a mixed use project to be located at Diamond and Wilder Streets for use as the Glen Park branch of the San Francisco Public Library; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1.; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this Ordinance.

(Fiscal impact.)

8/19/2003, PASSED ON FIRST READING.

8/26/2003, CONTINUED. Continued to September 16, 2003

**Question: Shall this Ordinance be FINALLY PASSED?**

### **Recommendation of the City Services Committee**

*Present: Supervisors Dufty, Newsom*

16. 020061 [Banner Regulations]  
Supervisors Newsom, Dufty, Ma

Ordinance amending and adding to Section 184.78 of the Public Works Code make findings as to the purposes served by banners, to create five categories of permitted banners, to prohibit banners in residential districts, to restrict banners in certain neighborhood commercial and residential commercial districts, to require installer name and service phone numbers on all banners, to provide for processing and inspection fees for banner permits, to index those fees, beginning in fiscal year 2004-2005, to the Consumer Price Index, to provide appropriate penalties for violations of Section 184.78, and to provide that bonds may be required to be posted prior to receipt of a banner permit and finding that the Ordinance is exempt/excluded from environmental review.

8/26/2003, CONTINUED. Continued to September 16, 2003

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

**SPECIAL ORDER 3:30 P.M - Recognition of Commendations****SPECIAL ORDER 4:00 P.M.**

17. 031370 [Public Hearing]  
Hearing of persons interested in or objecting to report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund.  
(Clerk of the Board)  
  
Action: \_\_\_\_\_
18. 031371 [Report of assessment costs for sidewalk and curb repairs - DPW Order 174,073]  
Resolution approving report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund.  
(Public Works Department)  
(No Public Benefit Recipient; DPW Order 174,073; Location: 1751 Silver Avenue.)  
  
Question: Shall this Resolution be ADOPTED?
19. 031372 [Public Hearing]  
Hearing of persons interested in or objecting to report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund.  
(Clerk of the Board)  
  
Action: \_\_\_\_\_
20. 031373 [Report of assessment costs for sidewalk and curb repairs - DPW Order 174, 227]  
Resolution approving report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund.  
(Public Works Department)  
(No Public Benefit Recipient; DPW Order No. 174,227; Locations: 279-283 Dolores Street; 439 Guerrero Street.)  
  
Question: Shall this Resolution be ADOPTED?



**21. 031374 [Public Hearing]**

Hearing of persons interested in or objecting to report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund.

(Clerk of the Board)

Action: \_\_\_\_\_

**22. 031375 [Report of assessment costs for sidewalk and curb repairs - DPW Order 174, 249]**

Resolution approving report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund.

(Public Works Department)

(No Public Benefit Recipient; DPW Order No. 174,249; Locations: 170 Flood Avenue; 1272-1274 Page Street.)

Question: Shall this Resolution be ADOPTED?

**23. 031445 [Public Hearing]**

Hearing of persons interested in or objecting to report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund.

(Clerk of the Board)

Action: \_\_\_\_\_

**24. 031446 [Report of assessment costs for sidewalk and curb repairs - DPW Order 174,311]**

Resolution approving report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund.

(Public Works Department)

(No Public Benefit Recipient; DPW Order No. 174,311; Locations: 800 Shrader Street; 1062 Goettingen Street; 449 Frederick Street.)

Question: Shall this Resolution be ADOPTED?

**SPECIAL ORDER 4:30 P.M.****APPEAL PROCEDURES**

Board Rule 4.29 provides that public hearings on appeals shall be scheduled for 4pm. If more than one public hearing is scheduled, then the Clerk, in consultation with the President, may determine the order in which the appeals will be scheduled. Second and later appeals may be scheduled at specified times later than 4 pm. An appeal shall not be heard prior to its scheduled time on the calendar, and it may not be called until the Board's consideration of appeals scheduled earlier on the calendar is completed. It is the policy of the Clerk of the Board to schedule multiple appeals in the following order at 4pm:

1. Appeals where all parties have agreed to request a continuance or a tabling of the appeal.
2. Continued appeals from previous Board meetings (continued appeals will be listed in order of those closest to deadlines for Board decision).
3. Appeals appearing on the calendar for the first time, in chronological order of receipt by the Clerk.
4. Multiple appeals appearing on the calendar may be staggered at times specific, beginning at 4pm.
5. Appeals involving participants who have ADA considerations may be set for specific times beginning at 4pm

**25. 031265 [Appeal, Mitigated Negative Declaration - 2026 Lombard Street]**

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No. 16595 adopted June 12, 2003, approving a mitigated negative declaration for the proposed development at 2026 Lombard Street.

(Appeal filed July 14, 2003 by Stephen M. Williams, Esq.; companion measure to Files 031266, 031267, 031268.)

8/12/2003, CONTINUED. Continued to September 16, 2003

**Action:** \_\_\_\_\_

*Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.*

**From the Clerk****(Only one of the following two motions should be adopted.)****26. 031266 [Affirming adoption of the negative declaration for 2026 Lombard Street]**

Motion affirming the Planning Commission adoption of the negative declaration for 2026 Lombard Street.

(Clerk of the Board)

8/12/2003, CONTINUED. Supervisor Gavin Newsom Excused From Voting  
Continued to September 16, 2003

**Question: Shall this Motion be ADOPTED?**

27. 031267 [Reversing adoption of the negative declaration for 2026 Lombard Street]  
Motion reversing the Planning Commission adoption of the negative declaration for 2026 Lombard Street.

8/12/2003, CONTINUED. Supervisor Gavin Newsom Excused From Voting  
Continued to September 16, 2003

**Question: Shall this Motion be ADOPTED?**

28. 031268 [Preparation of findings to reverse adoption of the negative declaration for 2026 Lombard Street]  
Motion directing the Clerk of the Board to prepare findings reversing the Planning Commission adoption of the negative declaration for 2026 Lombard Street Project.  
(Clerk of the Board)

8/12/2003, CONTINUED. Supervisor Gavin Newsom Excused From Voting  
Continued to September 16, 2003

**Question: Shall this Motion be ADOPTED?**

## **SPECIAL ORDER 4:30 P.M.**

29. 031232 [Public Hearing - Appeal, Conditional Use - 2026 Lombard Street]  
Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No. 16596 dated June 12, 2003 approving a conditional use authorization, Case No. 2002.0497C, to allow the construction of an approximately 49,000 square foot 97 room tourist hotel with 78 off-street parking spaces on a lot containing approximately 13,600 square feet, pursuant to Planning Code Sections 712.11, 712.21, 712.55 and 303, in an NC-3 (Moderate Scale Neighborhood Commercial) District and a 40-X Height and Bulk District, located at 2026 Lombard Street, north side between Fillmore and Webster Streets, Lot 025 in Assessor's Block 0492.  
(Appeal filed July 14, 2003 by Stephen M. Williams, Esq. The project received a Preliminary Mitigated Negative Declaration (PMND) from the Planning Department on March 29, 2003. The PMND was appealed; Planning upheld the PMND on June 12, 2003; companion measure to Files 031232, 031233, 031234, 031235, 031236; District 2).

8/12/2003, CONTINUED. Supervisor Gavin Newsom Excused From Voting  
Continued to September 16, 2003

**Action:** \_\_\_\_\_

*Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.*

## From the Clerk

### (Only one of the following two motions should be adopted.)

30. 031233 [Appeal, Conditional Use - 2026 Lombard Street]  
Motion approving decision of the Planning Commission by its Motion No. 16596 approving Conditional Use Application No. 2002.0497C, on property located at 2026 Lombard Street, and adopting findings pursuant to Planning Code Section 101.1.  
(Clerk of the Board)
- 8/12/2003, CONTINUED. Supervisor Gavin Newsom Excused From Voting  
Continued to September 16, 2003
- Question: Shall this Motion be ADOPTED?**
31. 031234 [Appeal, Conditional Use - 2026 Lombard Street]  
Motion disapproving decision of the Planning Commission by its Motion No. 16596 approving Conditional Use Application No. 2002.0497C, on property located at 2026 Lombard Street, and adopting findings pursuant to Planning Code Section 101.1.  
(Clerk of the Board)
- 8/12/2003, CONTINUED. Supervisor Gavin Newsom Excused From Voting  
Continued to September 16, 2003
- Question: Shall this Motion be ADOPTED?**
32. 031236 [Environmental Review - 2026 Lombard Street]  
Motion certifying review of Final Mitigated Negative Declaration relating to proposed Conditional Use of property at 2026 Lombard Street.  
(Clerk of the Board)
- 8/12/2003, CONTINUED. Supervisor Gavin Newsom Excused From Voting  
Continued to September 16, 2003
- Question: Shall this Motion be ADOPTED?**
33. 031235 [Findings - 2026 Lombard Street]  
Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2002.0497C, on property located at 2026 Lombard Street, for action by the Board at its next meeting.  
(Clerk of the Board)
- 8/12/2003, CONTINUED. Supervisor Gavin Newsom Excused From Voting  
Continued to September 16, 2003
- Question: Shall this Motion be ADOPTED?**

**SPECIAL ORDER 4:30 P.M.**

34. 031364 [Public Hearing - Appeal, 600 Portola Drive Tentative Subdivision Map]  
Hearing of persons interested in or objecting to the decision of the Department of Public Works dated August 4, 2003, approving tentative parcel map to legalize the construction of an 18 unit new condominium mixed-use project at 600 Portola Drive, San Francisco.  
(Appeal Filed August 7, 2003 by Mr. Man Poon; companion measure to Files 031364, 031365, 031366, 031367; District 7.)

8/26/2003, CONTINUED.

Action: \_\_\_\_\_

*Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.*

**From the Clerk****(Only one of the following two motions should be adopted.)**

35. 031365 [600 Portola Drive Tentative Subdivision Map]  
Motion approving decision of the Director of Public Works, approving Tentative Subdivision Map to legalize the construction of a 18 unit new condominium mixed-use project in Assessor's Block 2892, Lot 1, at 600 Portola Drive.  
(Clerk of the Board)

8/26/2003, CONTINUED. Continued to September 16, 2003

**Question: Shall this Motion be ADOPTED?**

36. 031366 [600 Portola Drive Tentative Subdivision Map]  
Motion disapproving decision of the Director of Public Works, approving Tentative Subdivision Map to legalize the construction of a 18 unit new condominium mixed-use project in Assessor's Block 2892, Lot 1, at 600 Portola Drive.  
(Clerk of the Board)

8/26/2003, CONTINUED. Continued to September 16, 2003

**Question: Shall this Motion be ADOPTED?**

## 37. 031367 [Findings - 600 Portola Drive]

Motion directing the Clerk of the Board to prepare findings relating to Tentative Subdivision Map to legalize the construction of a 18 unit new condominium mixed-use project in Assessor's Block 2892, Lot 1, at 600 Portola Drive.  
(Clerk of the Board)

8/26/2003, CONTINUED. Continued to September 16, 2003

Question: Shall this Motion be ADOPTED?

**SPECIAL ORDER 5:00 P.M.**

38. 031449 [Public Hearing - Appeal, Final EIR for the Golden Gate Park Concourse Authority Projects]  
Hearing of persons interested in or objecting to the Planning Commission certification of the Final Environmental Impact Report Case No. 2001.911E, dated July 24, 2003, for the Golden Gate Park Concourse Authority Projects, located between the California Academy of Sciences and the M.H. De Young Museum in Golden Gate Park, known as the Music Concourse Area. (Appellant: Stephen L. Willis).  
(Filed 8/13/03; companion measure to Files 031450, 031451, 031452.)

Action: \_\_\_\_\_

*Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.*

**From the Clerk****(Only one of the following two motions should be adopted.)**

39. 031450 [Affirm certification of the final environmental impact report for the Golden Gate Park Concourse Authority Projects]  
Motion affirming the Planning Commission certification of the final environmental impact report for the Golden Gate Park Concourse Authority Projects.  
(Clerk of the Board)  
  
Question: Shall this Motion be ADOPTED?
40. 031451 [Reverse certification of the final environmental impact report for the Golden Gate Park Concourse Authority Projects]  
Motion reversing the Planning Commission certification of the final environmental impact report for the Golden Gate Park Concourse Authority Projects.  
(Clerk of the Board)  
  
Question: Shall this Motion be ADOPTED?
41. 031452 [Preparation of findings to reverse certification of the final environmental impact report for the Golden Gate Park Concourse Authority Projects]  
Motion directing the Clerk of the Board to prepare findings specifying the basis for the Board of Supervisors' reversal of the Planning Commission certification of the final environmental impact report for the Golden Gate Park Concourse Authority Projects.  
(Clerk of the Board)  
  
Question: Shall this Motion be ADOPTED?

**SPECIAL ORDER 5:00 P.M.**

42. 031481 [Public Hearing - Appeal, Final EIR for the Golden Gate Park Concourse Authority Projects]  
Hearing of persons interested in or objecting to the Planning Commission certification of the Final Environmental Impact Report Case No. 2001.911E, dated July 24, 2003, for the Golden Gate Park Concourse Authority Projects, located between the California Academy of Sciences and the M.H. De Young Museum in Golden Gate Park, known as the Music Concourse Area. (Appellants: Christopher Duderstadt, Mary Anne Miller for the Alliance for Golden Gate Park, and Stephen L. Willis).  
(Filed 8/13/03; companion measure to Files 031482, 031483, 031484.)

Action: \_\_\_\_\_

*Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.*

**From the Clerk****(Only one of the following two motions should be adopted.)**

43. 031482 [Affirm certification of the final environmental impact report for the Golden Gate Park Concourse Authority Projects]  
Motion affirming the Planning Commission certification of the final environmental impact report for the Golden Gate Park Concourse Authority Projects.  
(Clerk of the Board)  
  
Question: Shall this Motion be ADOPTED?
44. 031483 [Reverse certification of the final environmental impact report for the Golden Gate Park Concourse Authority Projects]  
Motion reversing the Planning Commission certification of the final environmental impact report for the Golden Gate Park Concourse Authority Projects.  
(Clerk of the Board)  
  
Question: Shall this Motion be ADOPTED?



45. 031484 [Preparation of findings to reverse certification of the final environmental impact report for the Golden Gate Park Concourse Authority Projects]
- Motion directing the Clerk of the Board to prepare findings specifying the basis for the Board of Supervisors' reversal of the Planning Commission certification of the final environmental impact report for the Golden Gate Park Concourse Authority Projects.  
(Clerk of the Board)

**Question: Shall this Motion be ADOPTED?**

**SPECIAL ORDER 6:00 P.M.**

46. 031440 [Public Hearing - Appeal, Conditional Use - 378 10th Avenue (aka 389 9th Avenue and/or 4500 Geary Boulevard)]
- Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No. 16614 dated July 17, 2003, approving a conditional use authorization, Case No. 2002.0430C, to mount a total of six panel antennas and related equipment on an approximately 53-foot tall commercial building as part of AT&T Wireless Services telecommunications network within an NC-3 (Moderate-Scale Neighborhood Commercial) Zoning District and a 40-X Height and Bulk District, pursuant to Section 712.83 of the Planning Code, on property located at 378 10th Avenue (aka 389 9th Avenue and/or 4500 Geary Boulevard), on the northwest corner of 9th Avenue and Geary Boulevard; Lot 035, in Assessor's Block 1441. (Appellant: Betty Chao)
- (Appeal filed August 15, 2003; categorically exempt from the environmental review process (CEQA) pursuant to exemption Classes 1, 3 and 11 of Title 14 of the California Administrative Code.; companion measure to Files 031441, 031442, 031443; District 1.)

Action: \_\_\_\_\_

*Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.*

**(Only one of the following two motions should be adopted.)**

47. 031441 [Appeal, Conditional Use - 378 10th Avenue (aka 389 9th Avenue and/or 4500 Geary Boulevard)]
- Motion approving decision of the Planning Commission by its Motion No. 16614, approving Conditional Use Application No. 2002.0430C on property located at 378 10th Avenue (aka 389 9th Avenue and/or 4500 Geary Boulevard) and adopting findings pursuant to Planning Code Section 101.1.
- (Clerk of the Board)
- Question: Shall this Motion be ADOPTED?
48. 031442 [Appeal, Conditional Use - 378 10th Avenue (aka 389 9th Avenue and/or 4500 Geary Boulevard)]
- Motion disapproving decision of the Planning Commission by its Motion No. 16614, approving Conditional Use Application No. 2002.0430C on property located at 378 10th Avenue (aka 389 9th Avenue and/or 4500 Geary Boulevard) and adopting findings pursuant to Planning Code Section 101.1.
- (Clerk of the Board)
- Question: Shall this Motion be ADOPTED?

49. 031443 [Findings - 378 10th Avenue (aka 389 9th Avenue and/or 4500 Geary Boulevard)]  
Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional use Application No. 2002.0430C on property located at 378 10th Avenue (aka 389 9th Avenue and/or 4500 Geary Boulevard), for action by the Board at its next meeting.  
(Clerk of the Board)

**Question: Shall this Motion be ADOPTED?**

**SPECIAL ORDER 6:30 P.M.**

50. 031485 [Public Hearing - Appeal, Final EIR for the 301 Mission Street Project]  
Hearing of persons interested in or objecting to the Planning Commission certification of the Final Environmental Impact Report Case No. 2001.0792E, dated July 31, 2003, for a proposed mixed use development located at 301 Mission Street, near the Transbay Terminal in downtown San Francisco, Assessor's Block 3719, Lots 1 and 17. (Appellant: Sue C. Hestor, attorney for the Rincon Hill Residents Association).  
Filed 8/15/03; companion measure to Files 031486, 031487, 031488.)

Action: \_\_\_\_\_

*Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.*

**(Only one of the following two motions should be adopted.)**

51. 031486 [Affirm certification of the final environmental impact report for the 301 Mission Street Project]  
Motion affirming the Planning Commission certification of the final environmental impact report for the 301 Mission Street Project.  
(Clerk of the Board)  
  
Question: Shall this Motion be ADOPTED?
52. 031487 [Reverse certification of the final environmental impact report for the 301 Mission Street Project]  
Motion reversing the Planning Commission certification of the final environmental impact report for the 301 Mission Street Project.  
(Clerk of the Board)  
  
Question: Shall this Motion be ADOPTED?
53. 031488 [Preparation of findings to reverse certification of the final environmental impact report for the 301 Mission Street Project]  
Motion directing the Clerk of the Board to prepare findings specifying the basis for the Board of Supervisors' reversal of the Planning Commission certification of the final environmental impact report for the 301 Mission Street Project.  
(Clerk of the Board)  
  
Question: Shall this Motion be ADOPTED?

**SPECIAL ORDER 7:00 P.M.**

54. 031522 [Public Hearing - Appeal, Temporary Street Closure, Mission Street between 24th and 25th Streets]  
Hearing appealing the decision of the Department of Parking and Traffic by its Memorandum dated September 2, 2003, disapproving the requested temporary street closure of Mission Street, between 24th and 25th Streets, on October 25, 2003 from 7AM to 7PM, for Immigrant Pride Day.  
(Appeal filed September 4, 2003, by Carlos Petroni for the Immigrant Rights Movement; companion measure to Files 031523, 031524, District 6.)

Action: \_\_\_\_\_

*Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.*

**(Only one of the following two motions should be adopted.)**

55. 031523 [Affirming decision of DPT to disapprove the requested closure of Mission St. between 24th and 25th on October 25, 2003, for Immigrant Pride Day]  
Motion affirming the decision of the Director of the Department of Parking and Traffic to disapprove the requested temporary closure of Mission Street, between 24th and 25th Streets, on October 25, 2003 (7am to 7pm), for Immigrant Pride Day.  
(Clerk of the Board)  
  
Question: Shall this Motion be ADOPTED?
56. 031524 [Reversing decision of DPT and approving the requested closure of Mission St. between 24th and 25th on October 25, 2003, for Immigrant Pride Day]  
Motion reversing the decision of the Director of the Department of Parking and Traffic and approving the requested temporary closure of Mission Street, between 24th and 25th Streets, on October 25, 2003 (7am to 7pm), for Immigrant Pride Day.  
(Clerk of the Board)  
  
Question: Shall this Motion be ADOPTED?

**57. ROLL CALL FOR INTRODUCTIONS**

*Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, letters of request to the City Attorney and Board Members' reports on their regional body activities.*

**58. PUBLIC COMMENT**

*An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes.*

**APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST**

*These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.*

**59. 031509 [Legislative Analyst Request - Status of 8 remaining single-screen movie theaters in San Francisco]**

**Supervisor Peskin**

Motion requesting the Office of Legislative Analyst to report on the status of 8 remaining single-screen movie theaters in San Francisco and the feasibility of the proposal by Save the Theaters to renovate, rehabilitate and utilize these theaters to create an environment that will help to develop and ultimately expand a purely independent film industry in the City of San Francisco.

**Question: Shall this Motion be ADOPTED?**

**FOR ADOPTION WITHOUT COMMITTEE REFERENCE**

*These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.*

**Items 60 through 65**

60.      031512    [Extension of SRO Hotel Safety and Stabilization Task Force]  
                 Supervisor Ammiano  
                 Resolution extending the operations of the Single Room Occupancy (SRO) Hotel Safety and Stabilization Task Force through December 31, 2004.
- 8/26/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
61.      031513    [Ciaran Ferry]  
                 Supervisor Daly  
                 Resolution urging the Bureau of Customs and Immigration to grant asylum to Ciaran Ferry.
- 8/26/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
62.      031514    [Authorizing transfer of funds and management oversight from DPW to MOCd]  
                 Supervisor Gonzalez  
                 Resolution authorizing transfer of funds and management oversight from the Department of Public Works to the Mayor's Office of Community Development.
- 8/26/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
63.      031496    [Needle Exchange Emergency]  
                 Supervisors Ammiano, Newsom, Daly, Peskin, McGoldrick, Maxwell, Dufty  
                 Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.
- 8/26/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Motion be ADOPTED?

64. 031520 [Final Map for a 5 Unit Residential Condominium Project]  
Motion approving Final Map of 3284 San Bruno Avenue, A Residential Condominium Project, being a subdivision of Lot 10 in Assessor's Block No. 6157, and adopting findings pursuant to Planning Code Section 101.1.  
(Public Works Department)  
(No Public Benefit Recipient; DPW Order No. 174,368; District 10.)  
  
9/8/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
Question: Shall this Motion be ADOPTED?
65. 031521 [Final Map for an 31 Unit Live Work/Commercial Condominium Project]  
Motion approving Final Map of 380 10th Street, a Live Work/Commercial Condominium Project, being a subdivision of Lot 86 in Assessor's Block No. 3520, and adopting findings pursuant to Planning Code Section 101.1.  
(Public Works Department)  
(No Public Benefit Recipient; DPW Order No. 174,371; District 6.)  
  
9/8/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
Question: Shall this Motion be ADOPTED?

*Questions on the For Adoption Without Committee Reference  
Agenda:* \_\_\_\_\_

## 66. IMPERATIVE AGENDA

*Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s).*

*[Serious Injury Finding]*

*Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."*

*[Purely Commendatory Finding]*

*Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.*

*[Brown Act Finding]*

*Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.*

*[Imperative Resolutions, if any]*



## OFF-AGENDA LEGISLATION

### PROPOSED ORDINANCES

*Proposed ordinances received from August 19, 2003 through September 8, 2003, for reference by President to appropriate committee on September 16, 2003.*

**031490 [Angle Parking]**

Ordinance amending San Francisco Traffic Code Sections 55 and 132 to prohibit any person from parking or standing a vehicle other than at the angle of the curb or edge of roadway indicated by signs or markings, and to provide for penalties.

(Parking and Traffic Department)

(No Public Benefit Recipient.)

8/25/2003, RECEIVED AND ASSIGNED to Land Use Committee.

**031515 [Settlement of Lawsuit - Jonathan Johnson]**

Ordinance authorizing settlement of the lawsuit filed by Jonathan Johnson against the City and County of San Francisco for \$150,000; the lawsuit was filed on June 11, 2001 in San Francisco Superior Court, Case No. 322-080; entitled Jonathan Johnson, et al., v. City and County of San Francisco, et al; other material terms of said settlement are the waiver of the San Francisco General Hospital medical lien in the amount of \$29,281.37.

(City Attorney)

(Public Benefit Recipient.)

9/4/2003, RECEIVED AND ASSIGNED to Rules Committee.

### PROPOSED RESOLUTIONS

*Proposed resolutions received from August 19, 2003 through September 8, 2003, for reference by President to appropriate committee on September 16, 2003.*

**031444 [Contract funds for SFHIV Vaccine Clinical Trials Unit, 2003 to 2004]**

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to enter retroactively into an agreement in the amount of \$405,101 with Public Health Foundation Enterprises Inc. (PHFE), the primary contractor, to fund the fourth year of the SFDPH portion for "San Francisco HIV Vaccine Clinical Trials", a unit of the HIV Vaccine Trials Network (HVTN); for the period of June 1, 2003 to May 31, 2004.

(Public Health Department)

(No Public Benefit Recipient.)

8/19/2003, RECEIVED AND ASSIGNED to City Services Committee. Department requests this item be scheduled at the September 18, 2003 meeting.

- 031453 [FY 2003-2004 State grant funds to the Department of Public Health from the California Department of Health Services]  
Supervisor Dufty  
Resolution authorizing the acceptance and expenditure of State recurring grant funds by the San Francisco Department of Public Health for FY 2003-2004.  
(Public Health Department)  
(No Public Benefit Recipient.)

8/21/2003, RECEIVED AND ASSIGNED to City Services Committee. Department requests this item be scheduled at the September 18, 2003 meeting.

- 031454 [Treatment of Latent Tuberculosis Infection in refugees newly arriving in San Francisco.]  
Supervisor Dufty  
Resolution authorizing the San Francisco Department of Public Health, Newcomers Health Program (SFDPH, Newcomers) to accept and expend retroactively a new continuing grant in the initial amount of \$45,000, from the State Department of Health Services, Refugee Health (DHS, RH) to improve treatment of Latent Tuberculosis Infection (LTBI) in refugees newly arriving in San Francisco; for the period of August 1, 2003, to June 30, 2004.  
(Public Health Department)  
(No Public Benefit Recipient.)

8/22/2003, RECEIVED AND ASSIGNED to City Services Committee. Department requests this item be scheduled for consideration at the September 18, 2003 meeting.

- 031489 [Emergency Repairs]  
Resolution authorizing the expenditure of funds for emergency repairs of the Early Intake Switchback Road at Hetch Hetchy, at an estimated cost of \$2,000,000.  
(Public Utilities Commission)  
(No Public Benefit Recipient.)

8/29/2003, RECEIVED AND ASSIGNED to Finance and Audits Committee.

- 031493 [Accept-Expend Federal Grant]  
Supervisor Dufty  
Resolution authorizing the San Francisco Fire Department of to accept and expend a grant in the amount of \$211,975 from the Federal Emergency Management Agency (FEMA) to acquire 208 one-hour Self-Contained Breathing Apparatus (SCBA) Air Bottles, a mobile breathing air compressor unit, and a portable auxiliary communication repeater unit.  
(Fire Department)  
(No Public Benefit Recipient.)

8/19/2003, RECEIVED AND ASSIGNED to City Services Committee.

- 031494** [Contracting for Security Guard Services at 1680 Mission Street for fiscal year 2003-2004]  
Resolution concurring retroactively with the Controller's determination that security guard services can practically be performed at the Bureaus of Construction Management and Engineering Offices at 1680 Mission Street by private contractor for a lower cost that if the services were performed by City employees.  
(Public Works Department)  
(No Public Benefit Recipient.)

8/25/2003, RECEIVED AND ASSIGNED to Finance and Audits Committee.

- 031511** [Settlement of Claim - Eric M. Hansen]  
Resolution approving the settlement of the unlitigated claim filed by Eric M. Hansen against San Francisco for \$52,500; claim was filed on October 8, 2002.  
(City Attorney)  
(Public Benefit Recipient.)

9/4/2003, RECEIVED AND ASSIGNED to Rules Committee.

- 031517** [Agreement to Sell 418-420 Jessie Street]  
Resolution approving and authorizing an agreement with Martin McNeerney Development, Inc. dba Martin Building Company, Inc. for the sale of real property consisting of a former fire station on the first and second floors and vacant warehouse space on the upper six floors, for a purchase price of \$2,900,000; finding that competitive bidding is impractical or impossible; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution.  
(Real Estate Department)  
(Public Benefit Recipient.)

9/3/2003, RECEIVED AND ASSIGNED to Finance and Audits Committee.

- 031518** [Accept-Expend Federal Grant]  
Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of \$25,000 from the Environmental Protection Agency to provide training to municipal staff involved in construction and renovation of municipal buildings on Leadership in Energy and Environmental Design (LEEDTM) sustainable building standards and to develop a database to track municipal green building projects and their environmental benefits to the City and County of San Francisco.  
(Environment)  
(No Public Benefit Recipient.)

9/5/2003, RECEIVED AND ASSIGNED to City Services Committee.

- 031519** [Refugee County Plan]  
Resolution approving the San Francisco Federal Fiscal Year 2003 Refugee County Plan.  
(Private Industry Council)  
(No Public Benefit Recipient.)

9/4/2003, RECEIVED AND ASSIGNED to City Services Committee.

031525

**[Agreement for Tolling of Statute of Limitations Governing Lawsuit]**

Resolution approving the City Attorney's entry into a tolling agreement governing suit by plaintiff Natasha Madaris entitled Natasha Madaris v. San Francisco Unified School District and City and County of San Francisco, Case No. 417-848.  
(City Attorney)

9/5/2003, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031533 [Petitions and Communications #1]**

Petitions and Communications received from August 19, 2003 through September 8, 2003, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on September 16, 2003.

**Part 1**

From Sue Hestor, submitting an appeal to the Planning Commission's certification of the Final Environmental Impact Report for a proposed mixed use development located at 301 Mission Street, near the Transbay Terminal in downtown San Francisco. File 031485 (1)

From Peter Warfield, regarding editorial in the SF Bay Guardian newspaper that opposes the Glen Park Library Branch Project. (2)

From Airport, submitting notice that the adopted budget for fiscal year 2003-04. Is adequate for the department to meet service levels as proposed by the Board of Supervisors. (3)

From Arts Commission, submitting notice that the adopted budget for fiscal year 2003-04 is adequate for the department to meet service levels as proposed by the Board of Supervisors. (4)

From the Asian Art Museum, submitting notice that the adopted budget for fiscal year 2003-04 is adequate for the department to meet service levels as proposed by the Board of Supervisors. (5)

From the Board of Appeals, submitting notice that the adopted budget for fiscal year 2003-04 is adequate for the department to meet service levels as proposed by the Board of Supervisors. (6)

From Department of Building Inspection, submitting notice that the adopted budget for fiscal year 2003-04 is adequate for the department to meet service levels as proposed by the Board of Supervisors. (7)

From SF Convention Facilities, submitting notice that the adopted budget for fiscal year 2003-04 is adequate for the department to meet service levels as proposed by the Board of Supervisors. (8)

From Department of Children, Youth and Their Families, submitting notice that the adopted budget for fiscal year 2003-04 is adequate for the department to meet service levels as proposed by the Board of Supervisors. (9)

From Department of Emergency Communication, submitting notice that the adopted budget for fiscal year 2003-04 is adequate for the department to meet service levels as proposed by the Board of Supervisors. (10)

From Fine Arts Museums of San Francisco, submitting notice that the adopted budget for fiscal year 2003-04 is adequate for the department to meet service levels as proposed by the Board of Supervisors. (11)

From Fire Department, submitting notice that the adopted budget for fiscal year 2003-04 is adequate for the department to meet service levels as proposed by the Board of Supervisors. (12)

From Department of Human Resources, submitting notice that the adopted budget for fiscal year 2003-04 is adequate for the department to meet service levels as proposed by the Board of Supervisors. (13)

From Department of Public Health, submitting notice that the adopted budget for fiscal year 2003-04 is adequate for the department to meet service levels as proposed by the Board of Supervisors. (14)

From Public Utilities Commission, submitting notice that the adopted budget for fiscal year 2003-04

is adequate for the department to meet service levels as proposed by the Board of Supervisors. (15)

From Recreation and Park Department, submitting notice that the adopted budget for fiscal year 2003-04 is adequate for the department to meet service levels as proposed by the Board of Supervisors. (16)

From Superior Court, submitting notice that the adopted budget for fiscal year 2003-04 is adequate for the department to meet service levels as proposed by the Board of Supervisors. (17)

From Office of the Treasurer, submitting notice that the adopted budget for fiscal year 2003-04 is adequate for the department to meet service levels as proposed by the Board of Supervisors. (18)

From Public Utilities Commission, submitting declaration of emergency for repair of Early Intake Road, an all season road providing access to Early Intake, Kirkwood and Holm powerhouses. (19)

From Department of Public Works, regarding the reassignment of contracts formerly entered into with the San Francisco League of Urban Gardeners (SLUG). (Reference No. 20030729-002) Copy: Supervisor Daly (20)

From Department of Elections, regarding the implementation of ranked-choice voting in San Francisco. Copy: Each Supervisor (21)

From Department of Public Health, submitting request for waiver from compliance with Chapter 12B of the Administrative Code to contract with Toys-R-Us and Lakeshore Learning Materials. (22)

From Department of Public Health, submitting request for waiver from compliance with Chapter 12B of the Administrative Code to contract with Metro Park Laundry. (23)

From Gladstone & Associates, regarding mediation between the two parties involved in the appeal of a Conditional Use permit for 2026 Lombard Street. File 031266, Copy: Each Supervisor (24)

From Mirna Escobar, concerning her living situation in the Housing Authority's Valencia Gardens projects. (25)

From Mirna Escobar, concerning alleged overtime wages Municipal Railway owes her. (26)

From Planning Department, submitting report entitled "2002 Commerce and Industry Inventory". (27)

From Ed Mabry, concerning the need to install a sidewalk on Townsend Street between 6th and 7th Streets. Copy: Each Supervisor, Department of Parking and Traffic, Police (28)

From concerned citizen, concerning raising height limits along Transit Corridors and Secondary Units with no additional parking provided. File 030896 (29)

From Judith Berkowitz, submitting opposition to proposed legislation regarding the Day Laborer Program. File 031470, Copy: Each Supervisor (30)

From Howard Chabner, submitting his concern with the lack of pedestrian safety in San Francisco. Copy: Each Supervisor (31)

From Muni, regarding noise pollution from the "M" streetcar on Broad Street. (Reference No. 20030617-005) (32)

From Muni, regarding the feasibility of using a numbered ticket system at the Cable Car turnarounds. (Reference No. 20030422-013) (33)

From Marilyn Amini, concerning her public records request for full disclosure regarding the development of, and the implementation of interim procedure appeals of negative declaration and exemptions. Files 031335, 031152 (34)

From Office of the City Attorney, regarding Ms. Amini's immediate disclosure request regarding interim procedures. (35)

From Assessor-Recorder, submitting notice that the funding provided in the budget for fiscal year 2003-04 as adopted by the Board of Supervisors is not adequate for the department to meet service levels as proposed by the Board. (36)

From Civil Service Commission, submitting notice that the funding provided in the budget for fiscal year 2003-04 as adopted by the Board of Supervisors is adequate for the department to meet service levels as proposed by the Board. (37)

From Golden Gate Bridge Highway & Transportation District, regarding new appointment to the Golden Gate Bridge Highway & Transportation District, Board of Directors. Copy: Rules Committee (38)

From S.F. Law Library, submitting notice that the funding provided in the budget for fiscal year 2003-04 as adopted by the Board of Supervisors is adequate for the department to meet service levels as proposed by the Board. (39)

From Department of Child Support Services, submitting notice that the funding provided in the budget for fiscal year 2003-04 as adopted by the Board of Supervisors is adequate for the department to meet service levels as proposed by the Board. (40)

From Office of the Sheriff, submitting list of sole source contracts entered into by the Sheriff's Department during fiscal year 2002-03. (41)

From Planning Department, regarding the environmental impact of Treasure Island Naval Station following transfer from the U.S. Navy. Copy: Land Use Committee (42)

From Planning Department, submitting certificate of determination of exemption/exclusion from environmental review for the Visitation Valley Branch Library located at 201 Leland Street. (43)

From Planning Department, submitting certificate of determination of exemption/exclusion from environmental review for the Ingleside Branch Library located at 1298 Ocean Avenue. (44)

From Elizabeth Farrah, submitting opposition to the residential alarm license fee. (45)

From Office of the City Attorney, responding to the 2002-03 Civil Grand Jury Report, pursuant to Penal Code Section 933 and 933.05. Copy: Each Supervisor (46)

From Health Commission, submitting Resolution No. 14-03 supporting state efforts to increase access to health care coverage for the uninsured, and Resolution No. 15-03 opposing Proposition 54 which would prohibit state and local government from the collection, analysis or use of information pertaining to race, ethnicity, and/or national origin by state and local government. (47)

From various signators, submitting Form 700 Statement of Economic Interests: Mary Irwin (Landers) (48)

From Planning Department, submitting certificate of determination of exemption/exclusion from environmental review for the Portola Branch Library located at 380 Bacon Street. (49)

From Fire Department, submitting annual fire/life safety inspection report for the Tenderloin Police Station located at 301 Eddy Street. (50)



**031535 [Petitions and Communications #2]**

Petitions and Communications received from August 19, 2003 through September 8, 2003, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on September 16, 2003. Part 2

From Fire Department, regarding what steps the sponsors of the annual Bay to Breakers can take to better respond to cardiac emergencies by participants, including use of defibrulators. (51)

From Elections Commission, urging the Board to adopt the Alternative Security Plan, adopted by the Department of elections for the November 2003 Election. Copy: Each Supervisor (52)

From Office of the Controller, submitting report regarding fourth review of agreement with the Public Utilities Commission and the San Francisco Water Alliance. Copy: Budget Analyst (53)

From Department on the Status of Women, From Arts Commission, submitting notice that the adopted budget for fiscal year 2003-04. Is adequate for the department to meet service levels as proposed by the Board of Supervisors. (54)

From Office of the Controller, submitting review of proposed fee increases. (55)

From Civil Service Commission, submitting copy of letter sent to constituent regarding complaint of unpaid overtime while employed with Muni. (56)

From Department of Administrative Services, submitting notice that the adopted budget for fiscal year 2003-04 is adequate for the department to meet service levels as proposed by the Board of Supervisors. (57)

From Office of the Sheriff, submitting notice that the funding provided in the budget for fiscal year 2003-04 will not be adequate for the Sheriff's Department. (58)

From S.F. Odd Fellows Hall Association, Inc., submitting copy of letter sent to the Police Department (Southern Station) regarding the police department's help in making the area of 7th and Market Streets safer. (59)

From SF Environment, submitting notice that the funding provided in the budget for fiscal year 2003-04 will be adequate for the Department of the Environment. (60)

From Police Department, submitting notice that the funding provided in the budget for fiscal year 2003-04 will be adequate for the Police Department. (61)

From SF Environment, submitting request for release of reserved funds (\$3,042693) for its next granting cycle. (62)

From Florence Fung, requesting the "No Stopping - Tow Away Sign" on Ulloa Street between Lenox Way and Wawona Street be removed. Copy: Supervisors Hall, Ma (63)

From Matthew Bunner, submitting request for increased street lighting on Grant Street between Filbert and Greenwich Streets as a way to deter crime. Copy: Supervisor Peskin (64)

From Department of Public Health, submitting request for waiver from compliance with Chapter 12B of the Administrative Code to contract with Safeway and Cala Foods for the continued purchase of food and food vouchers for the Department's Incentives and Enable Programs. (65)

From Port, submitting request for waiver from compliance with Chapters 12B and 12C of the Administrative Code to contract with Praxair for supply of gases to maintain welding, cutting and

drilling operations. (66)

From Planing Department, submitting certificate of determination of exemption/exclusion from environmental review for ordinance creating the Northeast Waterfront Special Sign District. File 031034 (67)

From Planing Department, submitting certificate of determination of exemption/exclusion from environmental review for ordinance amending lot line selection. File 030999 (68)

From Adult Probation Department, submitting notice that the adopted budget for fiscal year 2003-04. Is adequate for the department to meet service levels as proposed by the Board of Supervisors. (69)

From Peterson Architects, concerning the parking problems in the South of Market area, especially on Folsom Street between 7th and 8th Streets. Copy: Each Supervisor, Department of Parking and Traffic (70)

From Kurt Shuck, submitting support for the new traffic circles on Page Street. (71)

From Scott Hartwig, submitting opposition to the new traffic circles at city intersections. Copy: Each Supervisor (72)

From Mary Richards, submitting opposition to the \$40.00 registration fee required for having an alarm system installed in her house. (73)

From Carolyn Clark, submitting her concerns with the homeless situation around 25th and Potrero. (74)

From Harry Thanh, regarding the Vietnamese Heritage and Freedom Flag as the symbol of the Vietnamese American community. File 031220 (75)

From Recreation and Park Department, submitting list of neighborhood meeting dates regarding plans for future neighborhood parks and recreation improvements. (76)

From concerned citizens, submitting opposition to the Environmental Impact Report for the Golden Gate Park Concourse Authority Project located between the California Academy of Sciences and the De Young Museum in Golden Gate Park. Files 031481 (77)

From Office of Homeland Security, submitting notification of application approval for the Urban Areas Security Initiative Grant Program II, fiscal year 2003. (78)

From U.S. Bankruptcy Court, submitting notice of voting record date/deadline, hearing to consider confirmation of plan of reorganization under Chapter 11 of the Bankruptcy Code for Pacific Gas and Electric Company and deadline for filing objections to confirmation. (79)

From Martin Lyon, submitting copy of letter sent to the Department of Parking and Traffic regarding various traffic issues. (80)

From State Department of Social Services (DSS), submitting notice of "Kid's Plate" revenue distribution for fiscal year 2001/02 and 2002/03. (81)

#### APPOINTMENTS BY THE MAYOR

Arts Commission  
Dave Stroud

Airport Commission  
Eleanor Johns

## ADJOURNMENT



# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO AGENDA



DOCUMENTS DEPT.

SEP 19 2003

SAN FRANCISCO  
PUBLIC LIBRARY

Legislative Chamber - Second Floor  
City Hall, 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

Tuesday, September 23, 2003 2:00 PM

## Regular Meeting

MATT GONZALEZ, PRESIDENT  
TOM AMMIANO, CHRIS DALY, BEVAN DUFTY, TONY HALL,  
FIONA MA, SOPHIE MAXWELL, JAKE MCGOLDRICK,  
GAVIN NEWSOM, AARON PESKIN, GERARDO SANDOVAL

Gloria L. Young, Clerk of the Board

Agendas of the Board of Supervisors are available on the internet at [www.ci.sf.ca.us/bdsupvrs](http://www.ci.sf.ca.us/bdsupvrs)

## BOARD COMMITTEES

### Committee Membership

#### **Budget Committee**

Supervisors Daly, Peskin, Maxwell, Ma, Gonzalez

#### **City and School District Select Committee**

Supervisors Maxwell, Ammiano, Ma, Commissioners Cruz, Sanchez, Kelly

#### **City Services Committee**

Supervisors Dufty, Ma, Newsom

#### **Finance and Audits Committee**

Supervisors Peskin, Sandoval, McGoldrick

#### **Land Use Committee**

Supervisors McGoldrick, Maxwell, Ammiano

#### **Rules Committee**

Supervisors Hall, Dufty, Gonzalez

### Meeting Days

Thursday

1:00 PM

2nd Monday, bi-monthly

4:00 PM

Thursday

9:30 AM

Wednesday

12:30 PM

Monday

1:00 PM

Wednesday

9:30 AM

## Board Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4) standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

Agenda are available on the internet at [www.sfgov.org/bdsuprvs.bos.htm](http://www.sfgov.org/bdsuprvs.bos.htm).

THE AGENDA PACKET IS AVAILABLE AT CITY HALL, ROOM 244, RECEPTION DESK.

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 557-4293.

Results of each Board meeting can be obtained about a half hour after the end of the meeting by telephoning (415) 554-5555.

Requests for language translation at a meeting must be received no later than noon the Friday before the meeting. Contact Ohn Myint at (415) 554-7704.

AVISO EN ESPAÑOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

**翻譯 必須在會議前最少四十八小時提出要求**  
**請電 (415) 554-7701**

## Disability Access

The Legislative Chamber of the Board of Supervisors is in Room 250 of City Hall, 1 Dr. Carlton B. Goodlett Place. The Chamber is wheelchair accessible.

The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex.

All meetings are real-time captioned and are cablecast open-captioned on SF Cable 26.

The following services are available when requests are made by 4:00 p.m. of the Friday before the Board meeting. This advance notice will help ensure availability.

· For American Sign Language interpreters or use of a reader during a meeting, contact Ohn Myint at (415) 554-7704.

· For a large print copy of agenda or minutes in alternative formats, contact Annette Lonich at (415) 554-7706.

Assistive listening devices are available from the receptionist in the Clerk of the Board's Office, Room 244, prior to the meeting.

The Clerk of the Board's Office TTY number is (415) 554-5227.

In order to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

### **Know Your Rights Under the Sunshine Ordinance**

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Donna Hall by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at [Donna.Hall@sfgov.org](mailto:Donna.Hall@sfgov.org)

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Ms. Hall or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine.htm>

### **Lobbyist Registration and Reporting Requirements**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site [www.sfgov.org/ethics](http://www.sfgov.org/ethics)

## ROLL CALL AND PLEDGE OF ALLEGIANCE

## AGENDA CHANGES

## COMMUNICATIONS

*Note: Each item on the Consent or Regular agenda may include the following documents:*

- 1) Legislation*
- 2) Budget Analyst report*
- 3) Legislative Analyst report*
- 4) Department or Agency cover letter and/or report*
- 5) Public correspondence*

*These items will be available for review at City Hall, Room 244, Reception Desk.*

## CONSENT AGENDA

*All matters listed hereunder constitute a Consent Agenda, are considered to be routine by the Board of Supervisors and will be acted upon by a single roll call vote of the Board. There will be no separate discussion of these items unless a member of the Board so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.*

### Items 1 through 9

### Recommendations of the Finance and Audits Committee

*Present: Supervisors Peskin, McGoldrick*

1.       031390   **[Lease of Real Property]**  
Resolution authorizing renewal of a lease of real property at 1372 Mission Street, for continued use by the Department of Public Health's Saint James Infirmary and STD Program Research Offices (Real Estate Department)  
(Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

2.       031394   **[Lease of Real Property]**  
              **Supervisor Maxwell**  
Resolution authorizing renewal of a lease of real property at 1360 Mission Street, Suite 400, for continued use by the Department of Public Health, Employee Assistance Program.  
(Real Estate Department)  
(Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?



3.        031403    [Lease of Real Property]  
Supervisors Ammiano, Dufty  
Resolution authorizing renewal of a lease of real property at 1360 Mission Street, Suite 401, for continued use by the Department of Public Health, STD Program Administrative Headquarters.  
(Real Estate Department)  
(Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

4.        031435    [Contracting Out City Services]  
Resolution retroactively concurring with the Controller's certification that assistance to certain victims of crime and education in community anti-street violence can be practically performed for the District Attorney's Victim Witness Assistance Program by a private contract at a lower cost than similar work services performed by City and County employees.  
(District Attorney)  
(Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

### Recommendations of the Land Use Committee

*Present: Supervisors McGoldrick, Maxwell, Ammiano*

5.        031436    [STOP Intersections]  
Resolution designating certain intersections as "STOP" intersections.

#### STOP SIGNS - ESTABLISH

26th and Diamond Streets, stopping Diamond Street, making this intersection an all-way STOP;  
Montecito Avenue and Northwood Drive, stopping Northwood Drive, making this uncontrolled intersection a two-way STOP; and  
15th Avenue and Noriega Street, south intersection, stopping southbound 15th Avenue at Noriega Street, making this uncontrolled Y-intersection a one-way STOP.  
(Parking and Traffic Department)

(8/6/03: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2671; No Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

6. 031438 [Traffic Regulations]  
Resolution enacting and rescinding traffic regulations on various streets.

NO U-TURNS - ESTABLISH

Treasure Island Road, both directions, at McCalla Road.

LEFT LANE MUST TURN LEFT - ESTABLISH

Grant Avenue, northbound, at Pine Street.

NO LEFT TURN, 4 PM TO 6 PM, EXCEPT SUNDAY - RESCIND

Montgomery Street, northbound, at Broadway.

(Parking and Traffic Department)

(S/G/03: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2671; No Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

*Present: Supervisors McGoldrick, Maxwell*

7. 031465 [Grant of Federal Funds]  
Mayor

Resolution authorizing the Municipal Transportation Agency Board to accept and expend \$48,094,526 of Federal Formula Section 5307 and Surface Transportation Program (STP) Capital Assistance for San Francisco Capital Projects and activities, excluding Administrative Overhead Costs.

(No Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

**8. 031437 [Parking Regulations]**

Resolution enacting and rescinding parking regulations at various locations.

**PERPENDICULAR (90-DEGREE ANGLE) PARKING - ESTABLISH**

9th Avenue, east side, from Lake Street to the north terminus (legislates existing street conditions);  
Diamond Street, west side, from 22nd to 23rd Streets (legislates existing street conditions);  
Wisconsin Street, both sides, from 19th to 20th Streets (legislates existing street conditions);  
Wisconsin Street, west side, from 20th to 22nd Streets (legislates existing street conditions);  
Duboce Avenue, north side, from Castro to Divisadero Streets (legislates existing street conditions);  
Arkansas Street, west side, from 16th to Mariposa Streets (legislates existing street conditions);  
Arkansas Street, east side, from Mariposa to 18th Streets (legislates existing street conditions);  
Arkansas Street, both sides, from 18th to 19th Streets (legislates existing street conditions);  
Arkansas Street, west side, from 19th to 20th Streets (legislates existing street conditions);  
Rhode Island Street, east side, from 20th Street to Mariposa Street (legislates existing street conditions); and  
Rhode Island Street, west side, from 19th Street to Mariposa Street (legislates existing street conditions).

**TOW-AWAY, NO STOPPING, 4 PM TO 6 PM, MONDAY THROUGH FRIDAY - RESCIND**  
Castro Street, east side, from 100 to 230 feet south of Duboce Avenue.

**TOW-AWAY, NO PARKING ANYTIME - ESTABLISH**

Melrose Avenue, along east terminus, east of Foerster Street (adjacent to Sunnyside Playground).

**1-HOUR PARKING METERS, 7 AM TO 6 PM, MONDAY THROUGH SATURDAY - ESTABLISH**

California Street, north side, from Locust Street to 231 feet easterly (commercial frontage only, up to 3440 California Street)

**TOW-AWAY, NO PARKING ANYTIME - ESTABLISH**

Farrugut Avenue, north side, from Alemany Boulevard to the western terminus.

**RESIDENTIAL PERMIT PARKING AREA "S" (2-HOUR TIME LIMIT, 8 AM - 9 PM, MONDAY THROUGH FRIDAY) - ESTABLISH**

18th Street, both sides, between Clover and Douglass Streets (4500 block).

**NO PARKING ANYTIME - RESCIND****TOW-AWAY, NO PARKING ANYTIME - ESTABLISH**

Langton Street, east side, between Folsom and Harrison Streets.

**1-HOUR PARKING, 7 AM TO 6 PM, EXCEPT SUNDAY - RESCIND****RESIDENTIAL PERMIT PARKING AREA "I" (2-HOUR TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH**

Julian Avenue, both sides, between 15th and 16th Streets.

**RESIDENTIAL PERMIT PARKING AREA "I" (2-HOUR TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH**

Rondel Place, both sides, between 16th Street and south terminus.

(Parking and Traffic Department)

(8/6/03: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2671; No Public Benefit Recipient.)

**Question: Shall this Resolution be ADOPTED?**

## Recommendation of the Rules Committee

*Present: Supervisors Hall, Duffy*

9. 031432 [Settlement of Lawsuit - Arcadia Machine & Tool Inc. et al.]

Ordinance authorizing the partial settlement of the lawsuit filed by the San Francisco City Attorney against certain manufactures, distributors and dealers of firearms, and their trade associations; the settling defendants are Traders Sports, Inc., Southern Ohio Gun Distributors, Ellett Brothers Inc., and MKS Supply Inc.; these settling defendants agree to the entry of stipulated judgments that will reform their firearm distribution practices, and to pay \$70,000; the lawsuit was filed on May 25, 1999 in San Francisco Superior Court, Case No. 303-753, and later coordinated with similar actions in the San Diego Superior Court as part of J.C.C.P. 4095; entitled People of the State of California ex rel Herrera et al. v. Arcadia Machine & Tool Inc. et al.

(City Attorney)

(No Public Benefit Recipient.)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

*Questions on the Consent Agenda are on final passage, first reading, or adoption, as indicated: \_\_\_\_\_*

## REGULAR AGENDA

## UNFINISHED BUSINESS

### Recommendation of the Finance and Audits Committee

*Present: Supervisors Peskin, Sandoval, McGoldrick*

**10. 031238 [Establishing a Department of Human Services Care Fund]  
Supervisors Hall, Newsom, Peskin**

Ordinance amending the San Francisco Administrative Code by adding Section 10.100-77, to establish a Department of Human Services Care Fund, defining terms, identifying revenues, restricting permissible uses, providing for verification and adjustment of appropriations, and limiting expenditures in excess of the fund cap.  
(Fiscal impact.)

8/12/2003, CONTINUED. Continued to September 16, 2003.

9/16/2003, PASSED ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

## NEW BUSINESS

### Recommendations of the Finance and Audits Committee

*Present: Supervisors Peskin, McGoldrick*

11. 031333 [Making Environmental Findings and Increasing Street Artist Certificate Fee]  
Ordinance making required environmental findings and amending Article 24 of the San Francisco Police Code by amending Section 2404.1 to increase the fee for a Street Artist Certificate and amending Section 2404.2 to clarify the fee setting procedure.  
(Arts Commission)

Question: Shall this Ordinance be PASSED ON FIRST READING?

*Present: Supervisors Peskin, Sandoval, McGoldrick*

12. 031396 [Appropriate funding to offset the loss of parking revenue for not charging parking in Golden Gate Park]  
Supervisors Daly, Sandoval  
Ordinance appropriating \$500,000 from the General Fund Reserve and rescinding \$700,000 in parking revenues and \$200,000 of professional services to offset the loss of parking revenue for not charging for parking in Golden Gate Park for Recreation and Parks Department for fiscal year 2003-2004.

Question: Shall this Ordinance be PASSED ON FIRST READING?

13. 031317 [MOU - Police Officers' Association (SFPOA)]  
Mayor, Supervisor Dufty  
Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Police Officers' Association (SFPOA), to be effective July 30, 2003 through June 30, 2007.  
(Fiscal impact.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

14. 031383 [Setting San Francisco's fiscal year 2003-2004 property tax rate and establishing pass-through rate for residential tenants]  
Ordinance providing revenue and levying property taxes for City and County purposes and establishing pass-through rate for residential tenants pursuant to Chapter 37 of the Administrative Code for the fiscal year ending June 30, 2004.  
(Controller)

Question: Shall this Ordinance be PASSED ON FIRST READING?

15. 031388 [Setting San Francisco's Unified School District's FY 2003-2004 property tax rate to be included in the City's overall property tax rate]  
Ordinance providing revenue and levying property taxes for San Francisco Unified School District's purposes for the fiscal year ending June 30, 2004.  
(Controller)

Question: Shall this Ordinance be PASSED ON FIRST READING?

16. 031393 [Setting S.F. Community College District's fiscal year 2003-2004 property tax rate to be included in the City's overall property tax rate]  
Ordinance providing revenue and levying property taxes for San Francisco Community College District purposes for the fiscal year ending June 30, 2004.  
(Controller)

Question: Shall this Ordinance be PASSED ON FIRST READING?

17. 031395 [Funding from the General Reserve and re-appropriate salaries to fund the October 2003 Recall Election]  
Mayor  
Ordinance appropriating \$3,232,983 from the General Fund Reserve and re-appropriating \$150,000 of permanent salaries for a total of \$3,382,983 for temporary salaries, overtime, fringe benefits, non personal services, materials and supplies, and services of other departments associated with the October 2003 recall election for Elections Department for fiscal year 2003-2004.

Question: Shall this Ordinance be PASSED ON FIRST READING?

18. 031400 [MOU Amendment No 1 - International Brotherhood of Electrical Workers, Local 6]  
Mayor  
Ordinance adopting and implementing Amendment No. 1 to the Memorandum of Understanding between the City and County of San Francisco and the International Brotherhood of Electrical Workers, Local 6, by adding paragraph 149a, which provides for a premium to certain classes providing signal operations at the Department of Parking and Traffic, which was inadvertently omitted from the MOU, to be effective July 1, 2003 through June 30, 2005.

Question: Shall this Ordinance be PASSED ON FIRST READING?

19. 031425 [Appropriate funding for the Art Commission for municipal symphony concerts using property tax revenue]  
Ordinance appropriating \$23,273 for the municipal symphony concerts using property tax revenue, pursuant to Charter Section 16.106(1) for the Art Commission for fiscal year 2003-04.  
(Controller)

Question: Shall this Ordinance be PASSED ON FIRST READING?

20. 031270 [Contracting out Paratransit Services]  
Resolution concurring with the Controller's determination that paratransit services for the Municipal Transportation Agency can be practically performed by a private contractor at a lower cost than by City and County employees.  
(Public Transportation Commission)  
(Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

21.      031389    [Amending the Redevelopment Agency Budget for Tax Increments in Mission Bay North and South]
- Resolution amending the budget of the Redevelopment Agency of the City and County of San Francisco for fiscal year 2003-2004 to allow the Controller to increase the tax increments distributed to the Redevelopment Agency in accordance with the Tax Increment Allocation Pledge Agreements for Mission Bay North and Mission Bay South.
- (Controller)
- (Fiscal impact.)

Question: Shall this Resolution be ADOPTED?

*Present: Supervisors Peskin, McGoldrick, Gonzalez*

22.      031404    [Development of Property Located at Broadway and Battery Streets For Affordable Housing]
- Mayor, Supervisors Peskin, Dufty
- Resolution authorizing the Mayor's Office of Housing to enter into a lease disposition and development agreement and below market long-term ground lease with Chinatown Community Development Center, a nonprofit public benefit corporation, for the development of affordable housing, together with a child care center, neighborhood-serving commercial space, and associated parking on real property located on the south side of Broadway between Battery and Front streets; affirming the Planning Commission's adoption of the mitigated negative declaration for the project; adopting environmental findings under the California Environmental Quality Act; and adopting findings that the project is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1.
- (Fiscal impact; Public Benefit Recipient.)

8/19/2003, SUBSTITUTED.

Question: Shall this Resolution be ADOPTED?



*Present: Supervisors Peskin, Sandoval, McGoldrick*

23.      031426    **[FY 2003-04 California Constitution Appropriations Limit]**  
Resolution establishing the appropriations limit for Fiscal Year 2003-04 pursuant to California Constitution Article XIII B.  
(Controller)  
(Fiscal impact; No Public Benefit Recipient.)

**Question: Shall this Resolution be ADOPTED?**

*Present: Supervisors Peskin, McGoldrick*

24.      031428    **[Federal Grant Amendments for Airport Improvement Program]**  
Resolution authorizing the Airport Commission to accept amendment to grant agreements offered by the Federal Aviation Administration ("FAA") for AIP 16, AIP 17, and AIP 19; and to release grant fund from reserve, in the amount of \$1,202,977 under AIP 17.  
(Airport Commission)  
(Public Benefit Recipient.)

**Question: Shall this Resolution be ADOPTED?**

*Present: Supervisors Peskin, McGoldrick, Gonzalez*

25.      031464    **[Jurisdictional Transfer]**  
**Mayor, Supervisors Peskin, Dufty**  
Resolution transferring jurisdiction from the Department of Public Works to the Mayor's Office of Housing Real Property Identified as Assessor's Block 141, Lot 11 for the development of affordable housing; and adopting findings pursuant to City Planning Code Section 101.1.  
(Companion measure to File 031404.)

**Question: Shall this Resolution be ADOPTED?**

*Present: Supervisors Peskin, McGoldrick*

26.      031468    **[Lease of Real Property]**  
**Supervisors Hall, Sandoval**  
Resolution approving and authorizing a new lease between the City and County of San Francisco, as tenant, and the Regents of the University of California, a California corporation, as landlord, of warehouse space at 626 Forbes Boulevard, South San Francisco.  
(Fiscal impact; Public Benefit Recipient.)

**Question: Shall this Resolution be ADOPTED?**

*Present: Supervisors Peskin, Sandoval, McGoldrick*

27. 031499 [Municipal Transportation Agency Leverage Lease Financing]  
Mayor

Resolution authorizing one or more lease-to-service contract transactions with respect to up to 21 Breda light rail cars; approving the form of and authorizing the execution and delivery of a Participation Agreement setting forth the terms and conditions of the lease-to-service contract transaction relating to the rail cars; approving the form of and authorizing the execution and delivery of a Head Lease Agreement providing the terms and conditions pursuant to which the rail cars will be leased to a trust; approving the form of and authorizing the execution and delivery of a Head Lease Supplement supplementing the terms and conditions pursuant to which specific rail cars will be leased to the trust; approving the form of and authorizing the execution and delivery of a Sublease Agreement providing the terms and conditions pursuant to which the trust will lease the rail cars back to the City to be operated and maintained by the City; approving the form of and authorizing the execution and delivery of a Sublease Supplement supplementing the terms and conditions pursuant to which the City will lease back the rail cars from the trust; approving the form of and authorizing the execution and delivery of a Payment Agreement providing the terms and conditions pursuant to which the City will provide for the payment of a portion of the sublease rent; approving the form of and authorizing the execution and delivery of an Equity Collateral Security Agreement and a Custody Agreement providing the terms and conditions pursuant to which the City will provide for a custody account to hold, and a security interest in, certain securities for the payment of a portion of the sublease rent and the purchase option purchase price if the purchase option is or is deemed exercised; approving the form of and authorizing the execution and delivery of a Support and Access Agreement providing the terms and conditions pursuant to which the City will provide the trust support and access to certain property if the City chooses not to exercise the purchase option; approving the form of and authorizing the execution and delivery of an Agreement for Assignment on Default which will provide the lender to the trust with an option to purchase, and take an assignment of the equity investor's beneficial interest in the trust estate upon the occurrence of certain events; approving the form of and authorizing the execution and delivery of a Tax Indemnification Agreement providing the terms and conditions under which the City will indemnify under certain circumstances the equity investor for income inclusions or losses of tax benefits; approving the form of and authorizing the execution and delivery of an Insurance and Indemnity Agreement providing the terms and conditions under which the City will indemnify the strip surety provider; approving indemnification of various parties; acknowledging the waiver of the City's right to jury trial under certain circumstances; acknowledging proposed waiver requests pursuant to Sections 12B.5-1(d) and 12C.5-1(d) of the San Francisco Administrative Code; finding that the lease-to-service contract transaction is designed to reduce the amount or duration of payment or similar risk to the City or enhance the relationship between risk and return with respect to investments made pursuant to or in connection with such transaction; approving and authorizing the execution and delivery of any document necessary to implement this Resolution; authorizing the execution and delivery of documents in conforming sets for the equity investor; ratifying and approving any action heretofore taken in connection with the transaction contemplated by this Resolution; and related matters.

Supervisor Sandoval dissenting.

**Question: Shall this Resolution be ADOPTED?**

**Recommendation of the Land Use Committee**

*Present: Supervisors McGoldrick, Maxwell*

28. 031439 [Speed Limit - Potrero Avenue between Brannan and Cesar Chavez Streets]  
Ordinance adding Section 174.13 and removing Section 175.07 of the San Francisco Traffic Code to reduce the speed limit from 30-mph to 25-mph on Potrero Avenue between Brannan and Cesar Chavez Streets.  
(Parking and Traffic Department)  
(No Public Benefit Recipient.)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

**SPECIAL ORDER 3:30 P.M - Recognition of Commendations****29. ROLL CALL FOR INTRODUCTIONS**

*Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, letters of request to the City Attorney and Board Members' reports on their regional body activities.*

**30. PUBLIC COMMENT**

*An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes.*

**FOR ADOPTION WITHOUT COMMITTEE REFERENCE**

*These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.*

**Items 31 through 56**

31. 031570 [Walk to School Day]  
Supervisors Ma, Dufty  
Resolution declaring October 8, 2003 as "Walk Our Children to School Day" in the City and County of San Francisco.
- 9/16/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
32. 031571 [Commending the Sunset District Neighborhood Coalition and the Sunset Artists' Society]  
Supervisor Ma  
Resolution commending the Sunset District Neighborhood Coalition and the Sunset Artists' Society for their work organizing the 9th Annual Sunset Community Festival.
- 9/16/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
33. 031572 [Latino Heritage Month]  
Supervisors Ma, Dufty  
Resolution declaring September 2003 as "Latino Heritage Month" in the City and County of San Francisco.
- 9/16/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
34. 031579 [Mental Health Services Act]  
Supervisor Ammiano  
Resolution endorsing the California Mental Health Services Act Initiative for the November 2004 statewide ballot.
- 9/16/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
35. 031580 [UC Berkeley Extension Photography Program]  
Supervisor Ammiano  
Resolution urging the UC Berkeley Extension to maintain a Photography Program and darkroom in San Francisco.
- 9/16/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?

36.      **031581**    **[Supporting International Arts Festival 2005]**  
          **Supervisor Ammiano**  
          Resolution supporting International Arts Festival 2005 in San Francisco, strategically promoting this important resource to potential partner governments from around the world to help stimulate economic activity, foster meaningful cultural exchange and develop more earned income opportunities for our artists.
- 9/16/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
37.      **031582**    **[Commending the 120th Anniversary of Immaculate Conception Academy]**  
          **Supervisor Dufty**  
          Resolution commending the 120th Anniversary of Immaculate Conception Academy for its dedicated mission of educating young San Franciscans and its contributions to the Mission District and greater City community.
- 9/16/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
38.      **031583**    **[Commending SFPD Captain Michael Yalon]**  
          **Supervisors Dufty, Ammiano, Daly, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval**  
          Resolution commending San Francisco Police Department Captain Michael Yalon.
- 9/16/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
39.      **031584**    **[Commending SFPD Captain Dan Lawson]**  
          **Supervisors Dufty, Ammiano, Daly, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval**  
          Resolution commending San Francisco Police Department Captain Dan Lawson.
- 9/16/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
40.      **031585**    **[Establishment of Little Saigon in the Tenderloin]**  
          **Supervisor Daly**  
          Resolution supporting the establishment of Little Saigon as a Vietnamese cultural and commercial center in the Tenderloin.
- 9/16/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?

41.      031586    **[Mental Health Services Act]**  
**Supervisor Newsom**  
Resolution urging the voters of the State of California to pass the Mental Health Services Act.
- 9/16/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
42.      031587    **[Clay and Arguello Streets]**  
**Supervisor Newsom**  
Resolution urging the Department of Parking and Traffic to paint the crosswalk running North to South on Arguello and place intersections at Clay crossing Arguello on the North side.
- 9/16/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
43.      031588    **[Changing the name of Pardee Alley in North Beach to "Jack Micheline Place"]**  
**Supervisors Peskin, Gonzalez**  
Resolution changing the name of Pardee Alley in North Beach to "Jack Micheline Place", in recognition of the late Jack Micheline's artistic contributions to the community of North Beach and the City of San Francisco.
- 9/16/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
44.      031589    **[Stop Sign Designation - Greenwich and Powell Streets]**  
**Supervisor Peskin**  
Resolution urging the installation of four-way Stop signs at the intersection of Greenwich and Powell Streets.
- 9/16/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
45.      031590    **[Extension of Planning Commission Review Period]**  
**Supervisor Peskin**  
Resolution extending for an additional 30 days the prescribed time within which the Planning Commission may render its decision on a proposed ordinance to amend the San Francisco Planning Code by creating section 608.15 to establish the Northeast Waterfront Special Sign District, creating Section 609.14 to address amortization of nonconforming signs in this District, amending Section 608 and Article 10, Appendix D, section 7 to be consistent with the Ordinance, amending the Zoning Map Section Map SSD-1 to show the boundaries of this District, and making findings of consistency with the General Plan and priority policies of Planning Code section 101.1.
- 9/16/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?

46.      031591      [Opposing the Declawing of Cats]  
Supervisor Sandoval  
Resolution urging pet guardians and veterinarians to discontinue the practice of declawing cats in the City and County of San Francisco.
- 9/16/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
Question: Shall this Resolution be ADOPTED?
47.      031592      [Commending San Francisco Conservation Corp]  
Supervisor Sandoval  
Resolution commending the San Francisco Conversation Corp for its 20 years of outstanding service to San Francisco.
- 9/16/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
Question: Shall this Resolution be ADOPTED?
48.      031593      [Commending Richard Ironcloud and Armando Blackbear]  
Supervisor Sandoval  
Resolution commending Richard Ironcloud and Armando Blackbear for their swim across San Francisco Bay, highlighting the importance of healthy living.
- 9/16/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
Question: Shall this Resolution be ADOPTED?
49.      031594      [Accept Federal Grant - fiscal year 2003 lead hazard reduction demonstration grant program]  
Mayor  
Resolution authorizing the Mayor of the City and County of San Francisco to accept a grant from the U.S. Department of Housing and Urban Development for lead-based paint hazard reduction in a total amount not to exceed \$4,000,000.  
(No Public Benefit Recipient.)
- 9/16/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
Question: Shall this Resolution be ADOPTED?
50.      031573      [Extending the San Francisco Zoo Audit Select Committee]  
Supervisor Ma  
Motion extending the San Francisco Zoo Audit Select Committee.
- 9/16/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
Question: Shall this Motion be ADOPTED?

51. 031540 [Needle Exchange Emergency]  
Supervisors Ammiano, Newsom, Daly, Peskin, McGoldrick, Maxwell, Dufty  
Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.
- 9/16/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING  
Question: Shall this Motion be ADOPTED?
52. 031550 [Public Hearing - Eminent Domain]  
Supervisor Peskin  
Motion directing the Board of Supervisors to hold a public hearing on October 7, 2003, at 4:00 p.m. to consider adopting a resolution of necessity for the City's proposed acquisition by eminent domain for open space of Lot 001 in Assessor's Block 0074, in San Francisco.
- 9/16/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING. Board to sit as a Committee of the Whole, to hold a public hearing on October 7, 2003, at 4:00 p.m.  
Question: Shall this Motion be ADOPTED?
53. 031568 [Calling from the Table Legislative Item 031361 (General Assistance – In-Kind Assistance; Department of Human Services Care Fund)]  
Supervisor Newsom  
Motion calling from the table legislative item 031361 (General Assistance - In-Kind Assistance; Department of Human Services Care Fund) and directing the Clerk of the Board of Supervisors to place item 031361 (General Assistance - In-Kind Assistance; Department of Human Services Care Fund) on the calendar for the September 30th, 2003 meeting.
- 9/16/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
Question: Shall this Motion be ADOPTED?
54. 031529 [Final Map for a 9 Unit Mixed Use Condominium Project]  
Motion approving Final Map of 581 Hayes Street, A Mixed Use Condominium Project, being a subdivision of Lot 54, Assessor's Block No. 818, and adopting findings pursuant to Planning Code Section 101.1.  
(Public Works Department)  
(No Public Benefit Recipient; DPW Order No. 174,381; District 6.)
- 9/15/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
Question: Shall this Motion be ADOPTED?
55. 031536 [Final Map for a 50 Unit Residential Condominium Project]  
Motion approving Final Map of 1 Federal Street, a Residential Condominium Project, being a subdivision of Lot 189 in Assessor's Block No. 3774, and adopting findings pursuant to Planning Code Section 101.1.  
(Public Works Department)  
(No Public Benefit Recipient; DPW Order No. 174,383; District 6.)
- 9/15/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
Question: Shall this Motion be ADOPTED?



56. 031537 [Final Map for a 192 Unit Residential/Commercial Condominium Project]  
Motion approving Final Map of 200 Brannan Street a Residential/Commercial Condominium Project, being a subdivision of Lot 190 in Assessor's Block No. 3774, and adopting findings pursuant to Planning Code Section 101.1.  
(Public Works Department)  
(No Public Benefit Recipient; DPW Order No. 174,384; District 6.)

9/15/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be ADOPTED?

Questions on the For Adoption Without Committee Reference  
Agenda: \_\_\_\_\_

## 57. IMPERATIVE AGENDA

*Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s).*

*[Serious Injury Finding]*

*Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."*

*[Purely Commendatory Finding]*

*Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.*

*[Brown Act Finding]*

*Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.*

*[Imperative Resolutions, if any]*

## OFF-AGENDA LEGISLATION

## PROPOSED ORDINANCES

*Proposed ordinances received from September 9, 2003 to September 15, 2003, for reference by President to appropriate committee on September 23, 2003. None.*

## PROPOSED RESOLUTIONS

*Proposed resolutions received from September 9, 2003 through September 15, 2003, for reference by President to appropriate committee on September 23, 2003.*

**031526 [Airport Concession Lease]**

Resolution approving Amendment No. 3 to the Post-Security Master Retail/Duty Free Concession in the New International Terminal Building Lease No. 99-0035 between DFS Group, L.P. and the City and County of San Francisco, acting by and through its Airport Commission.

(Airport Commission)

(No Public Benefit Recipient.)

9/12/2003, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031527 [Accept-Expend Regional Grant]**

Resolution authorizing the Director of Transportation or his designee to accept and expend \$157,000 in FY 03/04 Transportation Fund for Clean Air (TFCA) from the Bay Area Air Quality Management District (Air District) to stripe and sign bike lanes and purchase and install bicycle racks and to execute any and all associated documents.

(Parking and Traffic Department)

(No Public Benefit Recipient.)

9/12/2003, RECEIVED AND ASSIGNED to Land Use Committee.

**031528 [Street Artist Hyde Street Spaces]**

Resolution re-designating seven (7) permanent selling spaces on Hyde Street, west side, Beach to Jefferson Streets; deleting seven (7) permanent selling spaces on Hyde Street, east side, Beach to Jefferson Streets; re-designating fourteen (14) selling spaces on Hyde Street, east side, Beach to Jefferson Streets; designating two (2) additional selling spaces on Hyde Street, east side, Beach to Jefferson Streets, for street artists certified by the Arts Commission, City and County of San Francisco; and exempting said seven spaces on Hyde Street, west side, Beach to Jefferson Streets, from Police Code Section 2405(c)(16) requiring street artists to maintain a minimum of eight feet of passageway for pedestrians.

(Arts Commission)

(No Public Benefit Recipient.)

9/10/2003, RECEIVED AND ASSIGNED to Land Use Committee.

**031530 [Grant to improve traffic and pedestrian safety in San Francisco]**

Resolution authorizing the San Francisco Department of Public Health (SFPDH) to accept and expend retroactively a grant in the amount of \$439,455 from the California Business, Transportation & Housing Agency Office of Traffic Safety (CBTHAOTS) to prevent DUI and resultant traffic injuries and to enter into an agreement for the use of these funds; for the period of October 1, 2003 to December 31, 2005.

(Public Health Department)

(No Public Benefit Recipient.)

9/9/2003, RECEIVED AND ASSIGNED to City Services Committee.

**031538 [Contracting out Airport Employee Parking Services]**

Resolution approving the Controller's certification that Employee Parking Management Services for San Francisco International Airport can practically be performed by private contractor at a lower cost than if work were performed by city employees at budgeted levels.

(Airport Commission)

(Public Benefit Recipient.)

9/15/2003, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031539 [Contracting out Airport Public Parking Management Services]**

Resolution approving the Controller's certification that Airport Public Parking Management Services for San Francisco International Airport can practically be performed by private contractor at a lower cost than if work were performed by city employees at budgeted levels.

(Airport Commission)

(Public Benefit Recipient.)

9/15/2003, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031597 [Petitions and Communications]**

Petitions and Communications received from September 3, 2003 through September 15, 2003, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on September 22, 2003.

From Municipal Transportation Agency, submitting annual report for the Municipal Railway and the Municipal Transportation Agency, fiscal year 2002-03. (1)

From Municipal Transportation Agency, submitting request for waiver of Chapters 12B and 12C of the Administrative Code for Westin St. Frances. (2)

From Police Department, submitting request for waiver of Chapters 12B and 12C of the Administrative Code for Chevron USA Inc. (3)

From various signators, submitting Form 700 Statement of Economic Interests: Jim Dorenkott (4)

From Planning Department, submitting notice of environmental review for proposed ordinance amending rules and regulations governing the posting of signs and handbill distribution. Copy: Each Supervisor (5)

From Office of the Treasurer, submitting correspondence regarding investment activity (for fiscal year to date) of the portfolios under management. (6)

From Office of the Treasurer, submitting report on the Cash Differences and Overages Fund for the period ending June 30, 2003. (7)

From Liliane & Mark Borsuk, submitting opposition to proposed legislation regarding the Housing Element and Secondary Units. File 030896, Copy: Each Supervisor (8)

From Office of the Legislative Analyst, submitting report regarding the Department of Human Resources in other cities and counties which use "position control" systems to track the number of vacant positions and the duration of vacancies. Copy: Each Supervisor (9)

From Department of Human Services, submitting information regarding any changes to the Medi-Cal Eligibility rules pursuant to state regulation. Copy: Supervisor Daly (10)

From Bay Area Air Quality Management District, regarding pedestrian safety and financial support the Bay Area Air Quality Management District can provide through the Transportation Fund for Clean Air for selected projects that will reduce emissions from motor vehicles. (11)

From David Mitchell, submitting his concern with the drug dealing that goes on 365 days a year around the BART station at 24th and Mission Streets. Copy: Each Supervisor (12)

From Harry Haladjian, urging the Board to pass a resolution asking Congress to look into impeaching the President of the United States. (13)

From Linda McElver, submitting notice of meeting on September 11, 2003 at the Hall of Flowers in Golden Gate Park concerning access to, through and within the Music Concourse. Files 031481, 031482, 031483, 031484, Copy: Each Supervisor (14)

From Alex Lantsberg, regarding the expansion and extension of Specialty Crushing's lease in the Pier 94/96 backlands. (15)

From Myrna Escobar, regarding several issues with the San Francisco Housing Authority. (16)

From concerned citizens, submitting opposition to the Planning Commission's decision, approving a

conditional use permit for AT&T to mount a total of six panel antennas and related equipment at 389 – 9th Avenue. Files 031440, 031442 (17)

From Department of Public Works, submitting letter regarding tentative subdivision map to legalize the construction of a 18 unit new condominium mixed-use project at 600 Portola Drive. File 031384, Copy: Each Supervisor (18)

From concerned citizens, disapproving the Planning Commission's decision approving a Conditional Use permit for property located at 2026 Lombard Street. File 031234 (19)

From Law Offices of Stephen Williams, submitting several reports received from experts retained by the appellants of Condition Use permit for property located at 2026 Lombard Street, including a valuation analysis of the proposed hotel project. File 031265, Copy: Each Supervisor (20)

From Department of Aging and Adult Services, submitting notice that the adopted budget for fiscal year 2003-04 is adequate for the department to meet service levels as proposed by the Board of Supervisors. (21)

From Dianne Feinstein, United States Senator, submitting copy of letter sent to constituent regarding her pending worker's compensation claim. (22)

From Comcast Cable Communications, Inc., submitting notice regarding postponement to the launch of the "Dragon TV" package. (23)

From Office of the Controller, submitting notice that the Controller's Office has corrected an error in the Department of Building Inspection's fiscal year 2003-04 equipment budget in the additional amount of \$241,000. (24)

From members of the San Francisco Green Party Transportation Working Group, submitting opposition to the proposed Golden Gate Park Concourse Authority Project and supporting the appeal of the Environmental Impact Report by the Alliance for Golden Gate Park. Files 031481, 031482, 031483, 031484, Copy: Each Supervisor (25)

From the Taxi Commission, submitting notice that the adopted budget for fiscal year 2003-04 is adequate for the department to meet service levels as proposed by the Board of Supervisors. (26)

From Tom Torlakson, urging the Board of Supervisors to support SB 407, which will bring about a greater equity among enterprise districts and represents an overdue structural reform in the State Budget. Copy: Each Supervisor (27)

From Robert Lehman, submitting invitation to the opening of the Visitacion Valley ClubHouse and Neighborhood Celebration. Copy: Each Supervisor (28)

## ADJOURNMENT

### Legislation Pending Under the "30 Day Rule"

These items may not be heard by Committee until the date in the right hand column.

As Revised

September 18, 2003

Rule 5.40 provides that when an ordinance or resolution is introduced which would **create or revise major city policy**, the committee to which the legislation is assigned shall not consider the legislation until at least thirty days after the date of introduction. The provisions of this rule shall not apply to the routine operations of the departments of the City or when a legal time limit controls the hearing timing. In general the rule shall not apply to hearings to consider subject matter when no legislation has been presented, nor shall the rule apply to resolutions which simply **urge** action to be taken.

Ordinance amending Zoning Map in connection with Seawall Lot 330	031368	Land Use Committee	Planning Department	8/19/03	9/19/03
Ordinance General Plan amendment with approvals for the proposed Bryant Street Residential Tower – Seawall Lot 330	031369	Land Use Committee	Planning Department	8/19/03	9/19/03
Ordinance amending Planning Code regarding Large-scale Retail Use	031463	Land Use Committee	Supervisors Ammiano, Dufty	8/19/03	9/19/03
Ordinance amending Planning Code to regulate formula retail uses in the Hayes-Gough NCD and NC Cluster Districts in Cole and Carl Streets and Parnassus and Stanyan Streets	031501	Land Use Committee	Supervisor Gonzalez	8/26/03	9/26/03
Ordinance amend Admin Code to establish a City-wide administrative debarment procedure	031503	Rules Committee	Supervisor Peskin	8/26/03	9/26/03
Charter Amendment Section A.8.400 compensation for employees on military leave	031541	Rules Committee	Supervisor Newsom	9/16/03	10/16/03
Charter Amendment Section A.8.409 and 8.590 reclassify Deputy Sheriffs as Safety Employees	031542	Rules Committee	Supervisors Ma, Daly, Dufty	9/16/03	10/16/03

Charter Amendment Section A.8.590 Police and Fire Negotiation Timeline	031543	Rules Committee	Supervisor Gonzalez	9/16/03	10/16/03
Charter Amendment Section A.8.599 Tax deferred transfer of accrued vacation, sick leave and other compensation	031547	Rules Committee	Supervisor Sandoval	9/16/03	10/16/03
Charter Amendment Section A.4.127 and 16.123 allow City to reduce the minimum police staffing level after conducting a study of which positions could be filled by civilian personnel rather than sworn officers	031561	Rules Committee	Supervisor Ammiano	9/16/03	10/16/03
Charter Amendment Section A.8.500-3 Retirement System Benefits for domestic partners	031562	Rules Committee	Supervisors Ammiano, Dufty	9/16/03	10/16/03
Charter Amendment Section 4.120 Commission on Aging to Commission on Aging and Adult Services	031569	Rules Committee	Supervisor Daly	9/16/03	10/16/03
Charter Amendment Section add 16.124 Board of Supervisors to respond to all orders or requests for the production of City records under designated state and federal laws	031574	Rules Committee	Supervisor McGoldrick	9/16/03	10/16/03

Board of Supervisors  
City and County of San Francisco  
1 Dr. Carlton B. Goodlett Place-Room 244  
San Francisco, CA 94102-4689



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# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

## AGENDA



DOCUMENTS DEPT.

SEP 25 2003

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Legislative Chamber - Second Floor  
City Hall, 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

Tuesday, September 30, 2003 2:00 PM

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### Regular Meeting

MATT GONZALEZ, PRESIDENT  
TOM AMMIANO, CHRIS DALY, BEVAN DUFTY, TONY HALL,  
FIONA MA, SOPHIE MAXWELL, JAKE MCGOLDRICK,  
GAVIN NEWSOM, AARON PESKIN, GERARDO SANDOVAL

Gloria L. Young, Clerk of the Board

Agendas of the Board of Supervisors are available on the internet at [www.ci.sf.ca.us/bdsupvrs](http://www.ci.sf.ca.us/bdsupvrs)

### BOARD COMMITTEES

#### Committee Membership

**Budget Committee**  
Supervisors Daly, Maxwell, Peskin

**City and School District Select Committee**  
Supervisors Maxwell, Ammiano, Ma, Commissioners Cruz, Sanchez, Kelly

**City Services Committee**  
Supervisors Dufty, Ma, Newsom

**Finance and Audits Committee**  
Supervisors Peskin, Sandoval, McGoldrick

**Land Use Committee**  
Supervisors McGoldrick, Maxwell, Ammiano

**Rules Committee**  
Supervisors Hall, Dufty, Gonzalez

#### Meeting Days

Thursday  
1:00 PM

2nd Monday, bi-monthly  
4:00 PM

Thursday  
9:30 AM

Wednesday  
12:30 PM

Monday  
1:00 PM

Wednesday  
9:30 AM

## Board Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4) standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

Agenda are available on the internet at [www.sfgov.org/bdsupvrs.bos.htm](http://www.sfgov.org/bdsupvrs.bos.htm).

THE AGENDA PACKET IS AVAILABLE AT CITY HALL, ROOM 244, RECEPTION DESK.

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 557-4293.

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Requests for language translation at a meeting must be received no later than noon the Friday before the meeting. Contact Ohn Myint at (415) 554-7704.

AVISO EN ESPAÑOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

**翻譯 必須在會議前最少四十八小時提出要求  
請電 (415) 554-7701**

## Disability Access

The Legislative Chamber of the Board of Supervisors is in Room 250 of City Hall, 1 Dr. Carlton B. Goodlett Place. The Chamber is wheelchair accessible.

The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.

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The following services are available when requests are made by 4:00 p.m. of the Friday before the Board meeting. This advance notice will help ensure availability.

For American Sign Language interpreters or use of a reader during a meeting, contact Ohn Myint at (415) 554-7704.

For a large print copy of agenda or minutes in alternative formats, contact Annette Lonich at (415) 554-7706.

Assistive listening devices are available from the receptionist in the Clerk of the Board's Office, Room 244, prior to the meeting.

The Clerk of the Board's Office TTY number is (415) 554-5227.

In order to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

### **Know Your Rights Under the Sunshine Ordinance**

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Donna Hall by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at [Donna.Hall@sfgov.org](mailto:Donna.Hall@sfgov.org)

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Ms. Hall or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine.htm>

### **Lobbyist Registration and Reporting Requirements**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site [www.sfgov.org/ethics](http://www.sfgov.org/ethics)

## ROLL CALL AND PLEDGE OF ALLEGIANCE

## APPROVAL OF MEETING MINUTES

*Motion to approve the August 26, 2003 Board Minutes.*

## AGENDA CHANGES

## COMMUNICATIONS

*Note: Each item on the Consent or Regular agenda may include the following documents:*

- 1) Legislation*
- 2) Budget Analyst report*
- 3) Legislative Analyst report*
- 4) Department or Agency cover letter and/or report*
- 5) Public correspondence*

*These items will be available for review at City Hall, Room 244, Reception Desk.*

## CONSENT AGENDA

*All matters listed hereunder constitute a Consent Agenda, are considered to be routine by the Board of Supervisors and will be acted upon by a single roll call vote of the Board. There will be no separate discussion of these items unless a member of the Board so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.*

### Items 1 through 22

### Recommendations of the City Services Committee

*Present: Supervisors Dufty, Ma*

1. 031382 [Provide assertive case management to people with HIV and substance abuse and mental disorders]  
Supervisor Dufty  
Resolution authorizing the San Francisco Department of Public Health, AIDS Office (SFDPH, AIDS) to accept retroactively and expend a grant in the amount of \$490,947 from the Substance Abuse and Mental Health Services Administration (SAMHSA) for assertive case management for triply-diagnosed people and to enter into an agreement for the use of these funds; for the period of June 1, 2003, to May 30, 2004.  
(Public Health Department)  
(Public Benefit Recipient.)

**Question: Shall this Resolution be ADOPTED?**

**2. 031444 [Contract funds for SFHIV Vaccine Clinical Trials Unit, 2003 to 2004]****Supervisor Dufty**

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to enter retroactively into an agreement in the amount of \$405,101 with Public Health Foundation Enterprises Inc. (PHFE), the primary contractor, to fund the fourth year of the SFDPH portion for "San Francisco HIV Vaccine Clinical Trials", a unit of the HIV Vaccine Trials Network (HVTN); for the period of June 1, 2003 to May 31, 2004.

(Public Health Department)

(No Public Benefit Recipient.)

**Question: Shall this Resolution be ADOPTED?**

**3. 031447 [Accept-Expend State Grant]****Supervisor Dufty**

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of \$25,000 from the California Integrated Waste Management Board for a project that will incorporate recycled tire rubber surfaces in the Golden Gate Concourse Underground Parking Facility.

(Environment)

(Public Benefit Recipient.)

**Question: Shall this Resolution be ADOPTED?**

**4. 031453 [FY 2003-2004 State grant funds to the Department of Public Health from the California Department of Health Services]****Supervisor Dufty**

Resolution authorizing the acceptance and expenditure of State recurring grant funds by the San Francisco Department of Public Health for FY 2003-2004.

(Public Health Department)

(No Public Benefit Recipient.)

**Question: Shall this Resolution be ADOPTED?**

**5. 031454 [Treatment of Latent Tuberculosis Infection in refugees newly arriving in San Francisco.]****Supervisor Dufty**

Resolution authorizing the San Francisco Department of Public Health, Newcomers Health Program (SFDPH, Newcomers) to accept and expend retroactively a new continuing grant in the initial amount of \$45,000, from the State Department of Health Services, Refugee Health (DHS, RH) to improve treatment of Latent Tuberculosis Infection (LTBI) in refugees newly arriving in San Francisco; for the period of August 1, 2003, to June 30, 2004.

(Public Health Department)

(No Public Benefit Recipient.)

**Question: Shall this Resolution be ADOPTED?**

6. 031493 [Accept-Expend Federal Grant]  
Supervisor Duffy  
Resolution authorizing the San Francisco Fire Department of to accept and expend a grant in the amount of \$211,975 from the Federal Emergency Management Agency (FEMA) to acquire 208 one-hour Self-Contained Breathing Apparatus (SCBA) Air Bottles, a mobile breathing air compressor unit, and a portable auxiliary communication repeater unit.  
(Fire Department)  
(No Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

### Recommendations of the Finance and Audits Committee

*Present: Supervisors Peskin, Sandoval, McGoldrick*

7. 031317 [MOU - Police Officers' Association (SFPOA)]  
Mayor, Supervisor Duffy  
Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Police Officers' Association (SFPOA), to be effective July 30, 2003 through June 30, 2007.  
(Fiscal impact.)  
  
9/23/2003, PASSED ON FIRST READING.  
Question: Shall this Ordinance be FINALLY PASSED?
8. 031383 [Setting San Francisco's fiscal year 2003-2004 property tax rate and establishing pass-through rate for residential tenants]  
Ordinance providing revenue and levying property taxes for City and County purposes and establishing pass-through rate for residential tenants pursuant to Chapter 37 of the Administrative Code for the fiscal year ending June 30, 2004.  
(Controller)  
  
9/23/2003, PASSED ON FIRST READING.  
Question: Shall this Ordinance be FINALLY PASSED?
9. 031388 [Setting San Francisco's Unified School District's FY 2003-2004 property tax rate to be included in the City's overall property tax rate]  
Ordinance providing revenue and levying property taxes for San Francisco Unified School District's purposes for the fiscal year ending June 30, 2004.  
(Controller)  
  
9/23/2003, PASSED ON FIRST READING.  
Question: Shall this Ordinance be FINALLY PASSED?

10. 031393 [Setting S.F. Community College District's fiscal year 2003-2004 property tax rate to be included in the City's overall property tax rate]  
Ordinance providing revenue and levying property taxes for San Francisco Community College District purposes for the fiscal year ending June 30, 2004.  
(Controller)
- 9/23/2003, PASSED ON FIRST READING.  
Question: Shall this Ordinance be FINALLY PASSED?
11. 031396 [Appropriate funding to offset the loss of parking revenue for not charging parking in Golden Gate Park]  
Supervisors Daly, Sandoval  
Ordinance appropriating \$500,000 from the General Fund Reserve and rescinding \$700,000 in parking revenues and \$200,000 of professional services to offset the loss of parking revenue for not charging for parking in Golden Gate Park for Recreation and Parks Department for fiscal year 2003-2004.
- 9/23/2003, PASSED ON FIRST READING.  
Question: Shall this Ordinance be FINALLY PASSED?
12. 031400 [MOU Amendment No 1 - International Brotherhood of Electrical Workers, Local 6]  
Mayor  
Ordinance adopting and implementing Amendment No. 1 to the Memorandum of Understanding between the City and County of San Francisco and the International Brotherhood of Electrical Workers, Local 6, by adding paragraph 149a, which provides for a premium to certain classes providing signal operations at the Department of Parking and Traffic, which was inadvertently omitted from the MOU, to be effective July 1, 2003 through June 30, 2005.
- 9/23/2003, PASSED ON FIRST READING.  
Question: Shall this Ordinance be FINALLY PASSED?
13. 031425 [Appropriate funding for the Art Commission for municipal symphony concerts using property tax revenue]  
Ordinance appropriating \$23,273 for the municipal symphony concerts using property tax revenue, pursuant to Charter Section 16.106(1) for the Art Commission for fiscal year 2003-04.  
(Controller)
- 9/23/2003, PASSED ON FIRST READING.  
Question: Shall this Ordinance be FINALLY PASSED?
14. 031253 [Contracting out Convention Facilities management, operation and maintenance services]  
Resolution concurring with the Controller's certification that Convention Facilities management, operation and maintenance services can be practically performed at Bill Graham Civic Auditorium and the Moscone Center by private contractor for a lower cost than similar work services performed by City and County employees.  
(Administrative Services Department)
- Question: Shall this Resolution be ADOPTED?

15. 031307 [Extending provisional appointments]  
Resolution approving extension to June 30, 2004 of provisional appointments of employees in classifications 1270 Departmental Personnel Officer, 1272 Senior Departmental Personnel Officer, 1458 Legal Secretary I, 1460 Legal Secretary II, 1820 Junior Administrative Analyst, and 1932 Assistant Storekeeper.  
(Human Resources Department)  
(No Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

**Recommendations of the Land Use Committee**

*Present: Supervisors McGoldrick, Maxwell*

16. 031439 [Speed Limit - Potrero Avenue between Brannan and Cesar Chavez Streets]  
Ordinance adding Section 174.13 and removing Section 175.07 of the San Francisco Traffic Code to reduce the speed limit from 30-mph to 25-mph on Potrero Avenue between Brannan and Cesar Chavez Streets.  
(Parking and Traffic Department)  
(No Public Benefit Recipient.)

9/23/2003, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

*Present: Supervisors McGoldrick, Maxwell, Ammiano*

17. 031504 [Accept - Expend Federal Grant]  
Supervisor Peskin  
Resolution authorizing the Port of San Francisco to accept and expend a grant in the amount of \$3,475,000 from the United States Transportation Security Administration for the purpose of enhancing facility and operational security at the Port's cruise, ferry and cargo terminals.  
(No Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?



## **Recommendations of the Rules Committee**

*Present: Supervisors Hall, Dufty*

18.      031432      **[Settlement of Lawsuit - Arcadia Machine & Tool Inc. et al.]**  
Ordinance authorizing the partial settlement of the lawsuit filed by the San Francisco City Attorney against certain manufactures, distributors and dealers of firearms, and their trade associations; the settling defendants are Traders Sports, Inc., Southern Ohio Gun Distributors, Ellett Brothers Inc., and MKS Supply Inc.; these settling defendants agree to the entry of stipulated judgments that will reform their firearm distribution practices, and to pay \$70,000; the lawsuit was filed on May 25, 1999 in San Francisco Superior Court, Case No. 303-753, and later coordinated with similar actions in the San Diego Superior Court as part of J.C.C.P. 4095; entitled People of the State of California ex rel Herrera et al. v. Arcadia Machine & Tool Inc. et al.  
(City Attorney)  
(No Public Benefit Recipient.)

9/23/2003, PASSED, ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

*Present: Supervisors Hall, Gonzalez*

19.      031511      **[Settlement of Claim - Eric M. Hansen]**  
Resolution approving the settlement of the unlitigated claim filed by Eric M. Hansen against San Francisco for \$52,500; claim was filed on October 8, 2002.  
(City Attorney)  
(Public Benefit Recipient.)

**Question: Shall this Resolution be ADOPTED?**

20.      031531      **[Appointment]**  
Resolution appointing Renu Nanda, term ending December 31, 2005 to the Child Care Planning and Advisory Council. Residency requirement waived.  
Renu Nanda, (residency requirement waived) succeeding Marie Lee, resigned, seat 3, must be a nominee of District 3 Supervisor selected from: parent advisory councils of public and private child care programs; associations of child care centers, family day care providers and Head Start; public interest organizations including but not limited to the Child Care Law Center; community organizations; the Bay Area Employer Work and Family Coalition; and members of labor organizations and local organizations that fall within the definition of "Community representative"; for the unexpired portion of a 3 year term ending December 31, 2005.

**Question: Shall this Resolution be ADOPTED?**

21. 031515 [Settlement of Lawsuit - Jonathan Johnson]  
Ordinance authorizing settlement of the lawsuit filed by Jonathan Johnson against the City and County of San Francisco for \$150,000; the lawsuit was filed on June 11, 2001 in San Francisco Superior Court, Case No. 322-080; entitled Jonathan Johnson, et al., v. City and County of San Francisco, et al; other material terms of said settlement are the waiver of the San Francisco General Hospital medical lien in the amount of \$29,281.37.  
(City Attorney)  
(Public Benefit Recipient.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

22. 031532 [Appointment]  
Resolution appointing William Henning, term ending November 19, 2004 to the Bicycle Advisory Committee.  
William Henning, new position, seat 7, must be a nominee of District 7 Supervisor; for the unexpired portion of a two-year term ending November 19, 2004.

Question: Shall this Resolution be ADOPTED?

Questions on the Consent Agenda are on final passage, first reading, or adoption, as indicated: \_\_\_\_\_

## REGULAR AGENDA

## UNFINISHED BUSINESS

### From the Clerk

23. 031599 [Adopting findings related to the tentative subdivision map appeal on property located at 600 Portola Drive]

Motion adopting findings related to the appeal of the decision of the Department of Public Works approving tentative map to authorize the construction of an eighteen unit new condominium mixed-use project at 600 Portola Drive (Lot 1 in Assessor's Block 2892).

(Clerk of the Board)

(Companion measure to Files 031364, 031365, 031366, 031367.)

9/19/2003, REFERRED to Board of Supervisors.

Question: Shall this Motion be ADOPTED?

24. 031625 [Adopting findings related to the conditional use appeal on property located at 2026 Lombard Street]

Motion adopting findings related to the appeal of the Planning Commission's approval of Conditional Use Application No. 2002.0497C (which allowed the construction of an approximately 49,000 square foot, 97 room tourist hotel with 78 off-street parking spaces on a lot containing approximately 13,600 square feet), pursuant to Planning Code Section 712.11, 712.21, 712.55 and 303, in an NC-3 (Moderate Scale Neighborhood Commercial) District and a 40-X Height and Bulk District, located at 2026 Lombard Street, north side, between Fillmore and Webster Street (Lot 025 in Assessor's Block 0492).

(Clerk of the Board)

9/24/2003, REFERRED to Board of Supervisors. Scheduled for Board consideration September 30, 2003.

Question: Shall this Motion be ADOPTED?

25. 031626 [Adopting findings related to the conditional use appeal on property located at 378 10th Avenue (also known as 389 9th Avenue and/or 4500 Geary Boulevard)]

Motion adopting findings related to the appeal of the Planning Commission's approval of Conditional Use Authorization No. 2002.0430C (which approved the installation of six panel antennas and related equipment on an approximately 53-foot tall commercial building as part of the AT&T Wireless Services telecommunications network within an NC-3 (Moderate-Scale Neighborhood Commercial Zoning) District and a 40-X Height and Bulk District), pursuant to Section 712.83 of the Planning Code, on property located at 378 10th Avenue (also known as 389 9th Avenue and/or 4500 Geary Boulevard), on the northwest corner of 9th Avenue and Geary Boulevard (Lot 035 in Assessor's Block 1441).

(Clerk of the Board)

9/24/2003, REFERRED to Board of Supervisors. Scheduled for Board consideration September 30, 2003.

Question: Shall this Motion be ADOPTED?

Recommendations of the Finance and Audits Committee

*Present: Supervisors Peskin, McGoldrick*

26. 031333 **[Making Environmental Findings and Increasing Street Artist Certificate Fee]**  
Ordinance making required environmental findings and amending Article 24 of the San Francisco Police Code by amending Section 2404.1 to increase the fee for a Street Artist Certificate and amending Section 2404.2 to clarify the fee setting procedure.  
(Arts Commission)
- 9/23/2003, PASSED ON FIRST READING.  
Question: Shall this Ordinance be FINALLY PASSED?
27. 031395 **[Funding from the General Reserve and re-appropriate salaries to fund the October 2003 Recall Election]**  
**Mayor**  
Ordinance appropriating \$3,232,983 from the General Fund Reserve and re-appropriating \$150,000 of permanent salaries for a total of \$3,382,983 for temporary salaries, overtime, fringe benefits, non personal services, materials and supplies, and services of other departments associated with the October 2003 recall election for Elections Department for fiscal year 2003-2004.
- 9/23/2003, PASSED ON FIRST READING.  
Question: Shall this Ordinance be FINALLY PASSED?

## NEW BUSINESS

### Recommendations of the Finance and Audits Committee

*Present: Supervisors Peskin, Sandoval, McGoldrick*

28.      031489    **[Emergency Repairs]**  
Resolution authorizing, retroactively, the expenditure of funds for emergency repairs of the Early Intake Switchback Road at Hetch Hetchy, at an estimated cost of \$2,000,000.  
(Public Utilities Commission)  
Supervisor McGoldrick dissenting in Committee.  
(No Public Benefit Recipient.)

**Question: Shall this Resolution be ADOPTED?**

29.      031525    **[Agreement for Tolling of Statute of Limitations Governing Lawsuit]**  
Resolution approving the City Attorney's entry into a tolling agreement governing suit by plaintiff Natasha Madaris entitled Natasha Madaris v. San Francisco Unified School District and City and County of San Francisco, Case No. 417-848.  
(City Attorney)

**Question: Shall this Resolution be ADOPTED?**

### Recommendations of the City Services Committee

*Present: Supervisors Dufty, Gonzalez*

30.      030808    **[Motorcycle Sidewalk Parking Policy]**  
**Supervisors Gonzalez, Dufty**  
Resolution urging the Department of Parking and Traffic to prioritize the accommodation of scooters and motorcycles in the Department's planning and enforcement policies, to consistently ticket cars parked on sidewalks, and to create adequate motorcycle parking.

**Question: Shall this Resolution be ADOPTED?**

31. 031401 [Improving coordination between the San Francisco Police Department and the Office of Citizen Complaints]  
Supervisors Gonzalez, Duffy

Ordinance amending the Administrative Code by adding a new Chapter 96, establishing requirements governing the authority and duties of the Police Department, the Office of Citizen Complaints and the Police Commission with respect to investigations by the Office of Citizen Complaints, including reporting on the status of sustained cases, minimum requirements for disclosure of documents by the Police Department, providing the Office of Citizen Complaints with subpoena power against third parties, imposing training requirements for police officers on whistleblower protection laws, and for police commissioners on public safety officer discipline, and adding uncodified provisions to require the Police Commission to consider revisions to the Early Warning System and study restricting promotions for officers disciplined for misconduct; require the Police Department and the Office of Citizen Complaints to meet and report on the development of a shared case tracking system; and require current police commissioners to receive training on public safety officer discipline. (Public Benefit Recipient.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

### Recommendations of the Land Use Committee

*Present: Supervisors McGoldrick, Maxwell, Ammiano*

32. 031406 [Building Code - Technical Corrections/Clarifications]  
Supervisor Daly

Ordinance amending the Building Code to effect technical corrections/clarifications to Section 3102.8, by adding provisions previously included in the Code regarding woodburning appliances, Section 101.20, by adding provisions previously included in the Code regarding the operation of the Central Permit Bureau, Section 106.1, by deleting provisions regarding permit requirements that were previously removed from the Code, Section 106.3.2, by adding provisions previously included in the Code regarding submittal documents for permit applications, Section 103.3.1, 103.3.2, 103.3.3, 103.3.4, and 103.3.5 by deleting provisions regarding unlawful residential demolition and adding the provisions regarding unlawful residential demolition that were previously included in the Code, Section 205 by deleting the definition of demolition, by amending Figure 16B-1, Sections 105.4.2, 105.4.3.1, 107.1.1, 108.5.6, 1003.3.3.2, 1001A, 1304.A.1, 1307A.2, 1311A.1, 1313A.3, 1314A.2, 1316A.1, 1308A.3, 1605.4.3, 1604B.2.3, 1605B.3, 1605B.8, 1606B, 1604C, 1608C.5, 1611C.3.1, 1611C.4.2, 1611C.6.1, 1611C.6.2, 1611C.2.2.2, Table 16C-D, 1701.5, 3403.2.1.2, 3407.1, 3407.2.3, 3407.4.3, 3407.5.3.4, 3407.5.3.5, 3408.3.2, 1605.4.3, 1605.5, 106.4.4, 409.9.1, 1602C.6.1, 1602C.6.2, 3303.9.2, 3403.2.1.1, and 1605.4.1 to correct typographical errors, and making findings in accordance with California Health and Safety Code Section 17958.5 as to the local climatic, topological and geological reasons for amending the State Building Code.

Question: Shall this Ordinance be PASSED ON FIRST READING?

**33. 031490 [Angle Parking]**

Ordinance amending San Francisco Traffic Code Sections 55 and 132 to prohibit any person from parking or standing a vehicle other than at the angle of the curb or edge of roadway indicated by signs or markings, and to provide for penalties.

(Parking and Traffic Department)

(No Public Benefit Recipient.)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

## SPECIAL ORDER 3:30 P.M - Recognition of Commendations

### COMMITTEE REPORTS

*Reports from committees, if any, recommending emergency or urgent measures.*

*The following item will be considered by the City Services Committee at a Regular Meeting on Thursday, September 25, 2003. The Chair intends to request the Committee to send the following item to the Board as a committee report.*

34. 031556 [Investigate the closure of Real Food Co. on 24th Street in Noe Valley]  
Supervisor Dufty  
Resolution requesting National Labor Relations Board (NLRB), Department of Building Inspection (DBI) and other appropriate agencies to investigate the closure of Real Food Co. on 24th Street in Noe Valley.

Question: Shall this Resolution be ADOPTED?

### 35. ROLL CALL FOR INTRODUCTIONS

*Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, letters of request to the City Attorney and Board Members' reports on their regional body activities.*

### 36. PUBLIC COMMENT

*An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes.*

### FOR ADOPTION WITHOUT COMMITTEE REFERENCE

*These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.*



**Items 37 through 50**

37.      031612      **[Commending Sacred Heart Cathedral Preparatory new Student Life Center]**  
**Supervisor Newsom**  
Resolution commending the Sacred Heart Cathedral Preparatory School on its 150th Anniversary, celebrating its legacy of graduating more than 80,000 high school students in the City and County of San Francisco and in celebrating the Grand Opening of the Daughters of Charity Foundation, Sister Teresa Piro, DC, Student Life Center.
- 9/23/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**
38.      031613      **[Commending Japanese Community Youth Council]**  
**Supervisors Newsom, Duffy**  
Resolution commending the Mayor's YouthWorks Program and the Mayor's Education and Employment Program on having been selected as recipients of the prestigious PEPNET Award and commending the Japanese Community Youth Council for serving as the lead agency of these two youth employment programs.
- 9/23/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**
39.      031614      **[Commending Starting Points Initiative]**  
**Supervisors Newsom, Duffy**  
Resolution commending Starting Points for the completion of its San Francisco Citywide Strategic Plan for Supporting Families and its recent formation of a Family Support Council.
- 9/23/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**
40.      031615      **[Establishing City Planning Audit Select Committee]**  
**Supervisor Daly**  
Motion creating a City Planning Audit Select Committee.
- 9/23/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Motion be ADOPTED?**
41.      031616      **[Reappointment of Mark Dunlop to the S.F. HIV Health Services Planning Council]**  
**Supervisor Ammiano**  
Resolution urging Mayor Willie L. Brown to re-appoint Mark Dunlop to the San Francisco HIV Health Services Planning Council.
- 9/23/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**

42. 031617 [Senate Bill 774]  
**Supervisor Daly**  
Resolution urging Governor Gray Davis to sign Senate Bill 774, Pharmacy Syringe Sale and Disease Prevention Act.
- 9/23/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
43. 031618 [Commend Anne Stanton]  
**Supervisors Daly, Dufty**  
Resolution commending Anne Stanton for her decade of work and leadership for homeless youth in San Francisco as the esteemed Executive Director of the Larkin Street Youth Services.
- 9/23/2002, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
44. 031619 [Commendation for Linnea Klee]  
**Supervisors Daly, Dufty**  
Resolution commending Linnea Klee for her ten years of service as Executive Director of the Children's Council of San Francisco.
- 9/23/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
45. 031620 [Halloween in the Castro - Extended BART Service]  
**Supervisors Dufty, Ammiano, Daly, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval**  
Resolution urging the Bay Area Rapid Transit District to provide late night BART Service for the "Halloween in the Castro" event. Service would be extended from Midnight on October 31st until 2 a.m. on November 1st, 2003.
- 9/23/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
46. 031621 [Selective purchasing of oil from companies purchase leases or develop oil fields in the Arctic National Wildlife Refuge]  
**Supervisor Gonzalez**  
Resolution urging the City of San Francisco to refrain from purchasing oil from companies that purchase leases or develop oil fields in the Arctic National Wildlife Refuge.
- 9/23/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?

47. 031622 [Commending attorneys Elliot Peters, Ethan Balogh, Dan Purcell, and Stacey Wexler for their work on the John Tension case]

**Supervisors Gonzalez, Dufty**

Resolution commending attorneys Elliot Peters, Ethan Balogh, Dan Purcell, and Stacey Wexler for their tireless efforts to ensure that the wrongful conviction of John "J.J." Tension was overturned.

9/23/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Resolution be ADOPTED?**

48. 031623 [African American Cultural and Entertainment Center]

**Supervisors Maxwell, Daly, Ma, Newsom, Sandoval**

Resolution welcoming the African American Cultural and Entertainment Center (AAEC) to San Francisco and urging the San Francisco Port Commission to negotiate with the AAEC development team.

9/23/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Resolution be ADOPTED?**

49. 031624 [Commending Jack Moerschbaeher]

**Supervisors Maxwell, Daly, Dufty, Ma**

Resolution commending Jack Moerschbaeher, Director of the San Francisco Convention Facilities, for 20 years of outstanding service to the City and County of San Francisco and for receiving the 2003 Unsung Hero/Heroine Award from the Yerba Buena Alliance.

9/23/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Resolution be ADOPTED?**

50. 031635 [Healthy Kids Program Expansion]

**Supervisors Newsom, Dufty**

Resolution urging the Department of Public Health to advance universal health care coverage in the City and County of San Francisco by extending health insurance coverage to the uninsured young adults ages 19 to 24 through the City's Healthy Kids Program.

9/23/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Resolution be ADOPTED?**

*Questions on the For Adoption Without Committee Reference*

*Agenda: \_\_\_\_\_*

## 51. IMPERATIVE AGENDA

*Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s).*

- 031601    **[Authorizing the Teeter Tax Losses Reserve Fund to be governed by Revenue and Taxation Code Section 4703.2 for fiscal year 2002-2003 and thereafter]**  
Resolution authorizing the Teeter Tax Losses Reserve Fund to be governed by Revenue and Taxation Code Section 4703.2 for fiscal year ending June 30, 2003 and thereafter.  
(Controller)  
(No Public Benefit Recipient.)

9/19/2003, RECEIVED AND ASSIGNED to Finance and Audits Committee. Department requests this item be scheduled for consideration at the October 1, 2003 meeting.

- 031602    **[Substance Abuse and Crime Prevention Act of 2000 - Implementation Plan]**  
Resolution authorizing adoption of the San Francisco County Plan for the Substance Abuse and Crime Prevention Act of 2000 for Fiscal Year 2003-2004.  
(Public Health Department)  
(Public Benefit Recipient.)

9/16/2003, RECEIVED AND ASSIGNED to City Services Committee.

*[Serious Injury Finding]*

*Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."*

*[Purely Commendatory Finding]*

*Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.*

*[Brown Act Finding]*

*Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.*

*[Imperative Resolutions, if any]*

## OFF-AGENDA LEGISLATION

## PROPOSED ORDINANCES

*Proposed ordinances received from September 16, 2003 to September 22, 2003, for reference by President to appropriate committee on September 30, 2003.*

**031600 [Commercial Vehicle Parking in Certain Use District]**

Ordinance amending Traffic Code by amending Sections 63 and 63 (a) thereof, relating to commercial vehicle parking in certain use districts.  
(Parking and Traffic Department)

9/18/2003, RECEIVED AND ASSIGNED to Land Use Committee.

## PROPOSED RESOLUTIONS

*Proposed resolutions received from September 16, 2003 to September 22, 2003, for reference by President to appropriate committee on September 30, 2003.*

**031598 [First Amendment to Lease of SFPUC Property for Operation of a Public Golf Course and Related Facilities]**

Resolution authorizing a First Amendment to Lease of Public Utilities Commission Land between the City and County of San Francisco and Crystal Springs Golf Partners, L.P., in San Mateo County.  
(Public Utilities Commission)  
(Public Benefit Recipient.)

9/18/2003, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031649 [Petitions and Communications]**

Petitions and Communications received from September 16, 2003 through September 22, 2003, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on September 30, 2003.

From Ahmed Madry, submitting request for transfer of a Type 21 Off-Sale general liquor license from 1890 Market Street to 301 Randolph Street for Ahmed Madry d.b.a. Brotherhood Market & Deli. (1)

From Department of Elections, submitting notice that the adopted budget for fiscal year 2003-04 is adequate for the department to meet service levels as proposed by the Board of Supervisors. (2)

From Department of Public Health, regarding the changes to the Medi-Cal eligibility rules and San Francisco's efforts to continue enrollment of San Franciscans in Medi-Cal. (Reference No. 20030812-003) Copy: Supervisor Daly (3)

From Civil Service Commission, submitting notice that the Civil Service Commission adopted the Department of Human Resources' report on certification of the highest prevailing rate of wages of the various crafts and kinds of labor paid in private employment in the City and County of San Francisco. Copy: Finance and Audits Committee (4)

From District Attorney, submitting request for waiver of Chapters 12B and 12C of the Administrative Code for Chevron U.S.A. (5)

From Department of Public Health, submitting annual report of gifts received in fiscal year 2002-03. (6)

From Cingular Wireless, submitting notification letter for a CPUC Cell Site for Cingular Wireless at 1200 Sixth Street. (7)

From Office of the Mayor, regarding allegations of Commissioner Ricci arising from the June 3, 2003 Juvenile Probation Commission meeting. Copy: Each Supervisor (8)

From Public Utilities Commission, submitting letter identifying systematic efforts by the department to identify, evaluate, address, mitigate, and monitor risks associated with departmental activities. (Reference No. 2003325-126) Copy: Supervisor McGoldrick (9)

From Utility Cost Management LLC, submitting claim for refund of sewer/wastewater charges paid by Stoneridge Homeowners Association. (10)

From Taxi Commission, submitting resolution amending Section 1089, to disqualify applicants for taxi driver permits who have been convicted to certain felony crimes within a four-year period immediately preceding their applications. (11)

From the Port, submitting notice that the adopted budget for fiscal year 2003-04 is adequate for the department to meet service levels as proposed by the Board of Supervisors. (12)

From Maureen Conefrey, submitting opposition to request by the Civil Service Commission to continue the exam for the legal secretary position. (13)

From The Democratic Women's Forum, submitting copy of letter sent to Mike Hennessy, Sheriff, regarding their concern with the strip searches of female detainees. (14)

From Comcast Cable Communications, Inc., submitting notice that all of Comcast's current basic cable television customers in the Bay Area will receive a one-time credit in the amount of \$0.13. (15)

From Senior Action Network and Walk San Francisco, submitting opposition to proposed legislation that directs the Department of Parking and Traffic to "deprioritize enforcing violations by motorcycles". (16)

From Department of Children, Youth and Their Families, regarding current funding levels dedicated from the Children's Fund and the General Fund respectively for each of the departmental four quality of life benchmarks. (Reference No. 20030812-001) Copy: Supervisor Newsom (17)

From Office of the Controller, submitting report concerning the financial audit of the San Francisco Children and Families Commission for fiscal year June 30, 2003. (18)

From Immigrant Rights Commission, submitting resolution urging the Board of Supervisors to conduct hearings and gather evidence on the impact of Prop 54 on city government and San Francisco residents. Copy: Each Supervisor (19)

From Wilke, Fleury, Hoffelt, Gould & Birney, LLP, submitting opposition to proposed legislation condemning animal declawing. File 031591 (20)

From Planning Department, submitting the "Housing Element Final Draft for Public Review" dated September 18, 2003 and the "Staff's Response to Commission Comments". Copy: Land Use Committee (21)

From Planning Department, submitting notice of exemption from an environmental review for proposed ordinance amending rules and regulations governing the posting of signs and handbill distribution. File 031273 (22)

From concerned citizens, submitting support for "Care Not Cash". File 030848, Copy: Each Supervisor (23)

From Office of the Controller, submitting monthly revenue report, monthly expenditure/encumbrance report, monthly spending rate report and monthly salary and fringe benefit projection report for August 2003. (24)

Number not used. (25)

From concerned citizens, submitting opposition to the "Housing Element of the General Plan and Secondary Units" legislation. (26)

From Office of the Controller, submitting review of the City's risk management processes and findings into how the City manages its significant risks, a synopsis of the departments' responses to risk management injury, including a comparison of San Francisco to other comparative jurisdictions. (27)

From San Francisco Tomorrow, submitting support for reversing the Planning Commission's certification of the final environmental impact report for the 301 Mission Street Project. (28)

From Tejinder Sandhu, submitting copy of letter sent to SF Cycling regarding the disruption of the flow of traffic on September 14, 2003. (29)

From Marina Neighborhood Association, submitting support for proposed ordinance amending the rules and regulations governing posting and handbill distribution. File 031273 (30)

From concerned citizens, submitting support for the Planning Commission's certification of the final environmental impact report for the Golden Gate Park Concourse Authority Project. (31)

From concerned citizens, submitting opposition to the Planning Commission's certification of the final environmental impact report for the Golden Gate Park Concourse Authority Project. (32)

From John and Michael Nulty, submitting request for continuance of project at 150 Golden Gate Avenue until community issues are addressed and before a Conditional Use Permit is issued. (33)

From John Jenkel, submitting newsletter entitled "Abuse News #947". (34)

From Myrna Escobar, concerning various issues with the San Francisco Housing Authority. (35)

From concerned citizens, submitting opposition to proposed hotel development at 2026 Lombard Street. File 031232 (36)

From concerned citizens, submitting support for the proposed ban on cat declawing. File 030848, Copy: Each Supervisor (37)

From concerned citizens, submitting opposition to the Planning Commission's approval of Conditional Use on property located at 378 10th Avenue. (aka 389 9th Avenue and/or 4500 Geary Boulevard. File 031440 (38)

From Stephen Jacobs, regarding implementation of the truancy report. Copy: Each Supervisor (39)

From Pat Webb, submitting dates and locations of the Senate & Joint Committee Hearings in September and October 2003. (40)

#### APPOINTMENTS BY THE MAYOR

Human Rights Commission

Khaldoun A. Baghdadi

Building Inspections Commission

Roy Guinnane

Alfonso Fillon

Rodrigo Santos

Arts Commission

P.J. Johnson

William Meyer

## ADJOURNMENT



# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO AGENDA



DOCUMENTS DEPT.

OCT 03 2003

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Legislative Chamber - Second Floor  
City Hall, 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

**Tuesday, October 7, 2003 2:00 PM**

## Regular Meeting

MATT GONZALEZ, PRESIDENT  
TOM AMMIANO, CHRIS DALY, BEVAN DUFTY, TONY HALL,  
FIONA MA, SOPHIE MAXWELL, JAKE MCGOLDRICK,  
GAVIN NEWSOM, AARON PESKIN, GERARDO SANDOVAL

Gloria L. Young, Clerk of the Board

Agendas of the Board of Supervisors are available on the internet at [www.ci.sf.ca.us/bdsupvrs](http://www.ci.sf.ca.us/bdsupvrs)

## BOARD COMMITTEES

### Committee Membership

#### **Budget Committee**

Supervisors Daly, Maxwell, Peskin

#### **City and School District Select Committee**

Supervisors Maxwell, Ammiano, Ma, Commissioners Cruz, Sanchez, Kelly

#### **City Services Committee**

Supervisors Duffy, Ma, Newsom

#### **Finance and Audits Committee**

Supervisors Peskin, Sandoval, McGoldrick

#### **Land Use Committee**

Supervisors McGoldrick, Maxwell, Ammiano

#### **Rules Committee**

Supervisors Hall, Duffy, Gonzalez

### Meeting Days

Thursday

1:00 PM

2nd Monday, bi-monthly

4:00 PM

Thursday

9:30 AM

Wednesday

12:30 PM

Monday

1:00 PM

Wednesday

9:30 AM

## Board Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4) standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

Agenda are available on the internet at [www.sfgov.org/bdsupvrs.bos.htm](http://www.sfgov.org/bdsupvrs.bos.htm).

THE AGENDA PACKET IS AVAILABLE AT CITY HALL, ROOM 244, RECEPTION DESK.

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 557-4293.

Results of each Board meeting can be obtained about a half hour after the end of the meeting by telephoning (415) 554-5555.

Requests for language translation at a meeting must be received no later than noon the Friday before the meeting. Contact Ohn Myint at (415) 554-7704.

AVISO EN ESPAÑOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia del viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

**翻譯 必須在會議前最少四十八小時提出要求  
請電 (415) 554-7701**

## Disability Access

The Legislative Chamber of the Board of Supervisors is in Room 250 of City Hall, 1 Dr. Carlton B. Goodlett Place. The Chamber is wheelchair accessible.

The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex.

All meetings are real-time captioned and are cablecast open-captioned on SF Cable 26.

The following services are available when requests are made by 4:00 p.m. of the Friday before the Board meeting. This advance notice will help ensure availability.

· For American Sign Language interpreters or use of a reader during a meeting, contact Ohn Myint at (415) 554-7704.

· For a large print copy of agenda or minutes in alternative formats, contact Annette Lonich at (415) 554-7706.

Assistive listening devices are available from the receptionist in the Clerk of the Board's Office, Room 244, prior to the meeting.

The Clerk of the Board's Office TTY number is (415) 554-5227.

In order to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

### **Know Your Rights Under the Sunshine Ordinance**

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Donna Hall by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at [Donna.Hall@sfgov.org](mailto:Donna.Hall@sfgov.org)

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Ms. Hall or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine.htm>

### **Lobbyist Registration and Reporting Requirements**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site [www.sfgov.org/ethics](http://www.sfgov.org/ethics)

## ROLL CALL AND PLEDGE OF ALLEGIANCE

## APPROVAL OF MEETING MINUTES

*Motion to approve the September 16, 2003 Board Minutes.*

## AGENDA CHANGES

## COMMUNICATIONS

*Note: Each item on the Consent or Regular agenda may include the following documents:*

- 1) Legislation*
- 2) Budget Analyst report*
- 3) Legislative Analyst report*
- 4) Department or Agency cover letter and/or report*
- 5) Public correspondence*

*These items will be available for review at City Hall, Room 244, Reception Desk.*

## CONSENT AGENDA

*All matters listed hereunder constitute a Consent Agenda, are considered to be routine by the Board of Supervisors and will be acted upon by a single roll call vote of the Board. There will be no separate discussion of these items unless a member of the Board so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.*

### Items 1 through 14

### Recommendations of the City Services Committee

*Present: Supervisors Duffy, Ma, Newsom*

1. 031518 [Accept-Expend Federal Grant]  
Supervisor Duffy

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of \$25,000 from the Environmental Protection Agency to provide training to municipal staff involved in construction and renovation of municipal buildings on Leadership in Energy and Environmental Design (LEEDTM) sustainable building standards and to develop a database to track municipal green building projects and their environmental benefits to the City and County of San Francisco.

(Environment)

(No Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

*Present: Supervisors Dufty, Gonzalez*

2.      **031401**    **[Improving coordination between the San Francisco Police Department and the Office of Citizen Complaints]**  
**Supervisors Gonzalez, Dufty**  
Ordinance amending the Administrative Code by adding a new Chapter 96, establishing requirements governing the authority and duties of the Police Department, the Office of Citizen Complaints and the Police Commission with respect to investigations by the Office of Citizen Complaints, including reporting on the status of sustained cases, minimum requirements for disclosure of documents by the Police Department, providing the Office of Citizen Complaints with subpoena power against third parties, imposing training requirements for police officers on whistleblower protection laws, and for police commissioners on public safety officer discipline, and adding uncodified provisions to require the Police Commission to consider revisions to the Early Warning System and study restricting promotions for officers disciplined for misconduct; require the Police Department and the Office of Citizen Complaints to meet and report on the development of a shared case tracking system; and require current police commissioners to receive training on public safety officer discipline.  
No Public Benefit Recipient

9/30/2003, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

### **Recommendations of the Finance and Audits Committee**

*Present: Supervisors Peskin, Sandoval, McGoldrick*

3.      **031360**    **[Contracting out Security Guard Services]**  
Resolution concurring with the Controller's certification that security guard services provided by Zonux Security Solutions can be performed at a lower cost than similar services performed by City and County Employees.  
(Parking and Traffic Department)  
( Public Benefit Recipient.)  
  
Question: Shall this Resolution be ADOPTED?
4.      **031494**    **[Contracting for Security Guard Services at 1680 Mission Street for fiscal year 2003-2004]**  
Resolution concurring retroactively with the Controller's determination that security guard services can practically be performed at the Bureaus of Construction Management and Engineering Offices at 1680 Mission Street by private contractor for a lower cost than if the services were performed by City employees.  
(Public Works Department)  
(No Public Benefit Recipient.)  
  
Question: Shall this Resolution be ADOPTED?

## Recommendations of the Rules Committee

*Present: Supervisors Hall, Gonzalez*

5.        031515    **[Settlement of Lawsuit - Jonathan Johnson]**  
Ordinance authorizing settlement of the lawsuit filed by Jonathan Johnson against the City and County of San Francisco for \$150,000; the lawsuit was filed on June 11, 2001 in San Francisco Superior Court, Case No. 322-080; entitled Jonathan Johnson, et al., v. City and County of San Francisco, et al; other material terms of said settlement are the waiver of the San Francisco General Hospital medical lien in the amount of \$29,281.37.  
(City Attorney)  
(Public Benefit Recipient.)

9/30/2003, PASSED ON FIRST READING.

Question: Shall this Ordinance be **FINALLY PASSED**?

*Present: Supervisors Hall, Dufty, Gonzalez*

6.        031391    **[Appointment]**  
Resolution appointing Joanne Kipnis, term ending April 30, 2004 to the Animal Control and Welfare Commission.  
Joanne Kipnis, succeeding Jamal James Modica, resigned, seat 2, must be a member representing the general public having interest and experience in animal matters for the unexpired portion of a two-year term ending April 30, 2004.

Question: Shall this Resolution be **ADOPTED**?

*Present: Supervisors Dufty, Gonzalez*

7.        031392    **[Appointment]**  
Resolution appointing Philip Choy, term ending December 16, 2003, to the San Francisco Museum and Historical Society Advisory Committee.  
Philip Choy, succeeding Melissa Szeto, resigned, seat 2, must be a member of the public from historical organizations including, but not limited to, organizations focused on the history of ethnic or racial minorities, sexual orientations, gender or any of the various other cultural communities within San Francisco for the unexpired portion of a one-year term ending December 16, 2003.

Question: Shall this Resolution be **ADOPTED**?

8.        030411    **[Appointment]**  
Resolution appointing Stephen Griswold and Dhaya Lakshminarayanan, terms ending April 5, 2005 to the Urban Forestry Council. Residency requirement waived.  
Stephen Griswold, (residency requirement waived) new appointment, seat 5, must be a representative of the Golden Gate National Recreational Area, for a 2 year term ending April 5, 2005.  
Dhaya Lakshminarayanan, succeeding Diana Cohen, resigned, seat 8, must be a representative of the community for the unexpired portion of a two-year term ending April 5, 2005.

Question: Shall this Resolution be ADOPTED?

9.        031431    **[Appointment]**  
Resolution appointing Steven Chester, Stuart Berger, and Reverend G. Penny Nixon, terms ending May 15, 2005 to the Local Homeless Coordinating Board.  
Steven Chester, succeeding himself, term expired, seat 1, must represent homeless or formerly homeless for a two-year term ending May 15, 2005.  
Stuart Berger, succeeding himself, term expired, seat 3, must represent area of advocacy for a two-year term ending May 15, 2005.  
Reverend G. Penny Nixon, succeeding Bob Nelson, term expired, seat 7, must be a service provider with the "floating" qualification of a focus on health services, HIV and harm reduction (This "floating" qualification currently attaches to this seat but can be assigned to any of the Mayor's or Board's service provider seats.) for a two-year term ending May 15, 2005.

Question: Shall this Resolution be ADOPTED?

10.       031460    **[Confirming the re-appointment of Dar Singh to the San Francisco Redevelopment Agency]**  
**Mayor**  
Resolution confirming the re-appointment of Dar Singh to the San Francisco Redevelopment Agency for a four-year term ending September 03, 2007.

Question: Shall this Resolution be ADOPTED?

11.       031461    **[Confirming the re-appointment of Michelle Sexton to the San Francisco Redevelopment Agency]**  
**Mayor**  
Resolution confirming the re-appointment of Michelle Sexton to the San Francisco Redevelopment Agency for a four-year term ending September 3, 2007.

Question: Shall this Resolution be ADOPTED?

12.       031492    **[Appointment]**  
Resolution appointing Nicole Dogwill, term ending April 27, 2004, to the Sunshine Ordinance Task Force.  
Nicole Dogwill, succeeding Joshua Koltun, resigned, seat 1, must be appointed from names submitted by the local chapter of the Society of Professional Journalists and be an Attorney, for the unexpired portion of a two-year term ending April 27, 2004.

Question: Shall this Resolution be ADOPTED?

## Recommendations of the Land Use Committee

*Present: Supervisors McGoldrick, Maxwell, Ammiano*

13. 031406 [Building Code - Technical Corrections/Clarifications]

**Supervisor Daly**

Ordinance amending the Building Code to effect technical corrections/clarifications to Section 3102.8, by adding provisions previously included in the Code regarding woodburning appliances, Section 101.20, by adding provisions previously included in the Code regarding the operation of the Central Permit Bureau, Section 106.1, by deleting provisions regarding permit requirements that were previously removed from the Code, Section 106.3.2, by adding provisions previously included in the Code regarding submittal documents for permit applications, Section 103.3.1, 103.3.2, 103.3.3, 103.3.4, and 103.3.5 by deleting provisions regarding unlawful residential demolition and adding the provisions regarding unlawful residential demolition that were previously included in the Code, Section 205 by deleting the definition of demolition, by amending Figure 16B-1, Sections 105.4.2, 105.4.3.1, 107.1.1, 108.5.6, 1003.3.3.2, 1001A, 1304.A.1, 1307A.2, 1311A.1, 1313A.3, 1314A.2, 1316A.1, 1308A.3, 1605.4.3, 1604B.2.3, 1605B.3, 1605B.8, 1606B, 1604C, 1608C.5, 1611C.3.1, 1611C.4.2, 1611C.6.1, 1611C.6.2, 1611C.2.2.2, Table 16C-D, 1701.5, 3403.2.1.2, 3407.1, 3407.2.3, 3407.4.3, 3407.5.3.4, 3407.5.3.5, 3408.3.2, 1605.4.3, 1605.5, 106.4.4, 409.9.1, 1602C.6.1, 1602C.6.2, 3303.9.2, 3403.2.1.1, and 1605.4.1 to correct typographical errors, and making findings in accordance with California Health and Safety Code Section 17958.5 as to the local climatic, topological and geological reasons for amending the State Building Code.

9/30/2003, PASSED ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

14. 031490 [Angle Parking]

Ordinance amending San Francisco Traffic Code Sections 55 and 132 to prohibit any person from parking or standing a vehicle other than at the angle of the curb or edge of roadway indicated by signs or markings, and to provide for penalties.

(Parking and Traffic Department)

(No Public Benefit Recipient.)

9/30/2003, PASSED ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

*Questions on the Consent Agenda are on final passage, first reading, or adoption, as indicated: \_\_\_\_\_*



## REGULAR AGENDA

### NEW BUSINESS

#### Recommendations of the City Services Committee

*Present: Supervisors Dufty, Ma, Newsom*

15. 030801 [311/ Customer Relationship Management System]  
Supervisor Newsom

Resolution urging the Department of Telecommunications and Information Systems (DTIS) to pursue all options necessary to develop a 311/Customer Relationship Management System; and urging DTIS and the Emergency Communications Department to continue to coordinate their respective efforts toward developing a project plan for implementing a 311/Customer Relationship Management System for the City and County of San Francisco.

Question: Shall this Resolution be ADOPTED?

16. 031196 [CitiStat management strategy]  
Supervisors Newsom, Dufty, Ma

Resolution urging the Department of Telecommunications and Information Services to investigate the feasibility of implementing a CitiStat management strategy for the City and County of San Francisco.

Question: Shall this Resolution be ADOPTED?

#### Recommendations of the Finance and Audits Committee

*Present: Supervisors Peskin, Sandoval, McGoldrick*

17. 031462 [Appropriate funding for the Day Laborer Program]  
Supervisor Ammiano

Ordinance re-appropriating \$75,000 from FY 2002-2003 and \$90,000 FY 2003-2004 from the Mayor's Office to the Immigrant Rights Commission, Administrative Services Department, to fund the Day Laborer Program for fiscal year 2003-04.

Question: Shall this Ordinance be PASSED ON FIRST READING?

18. 031276 [Approving ballot and hearing procedures for renewal of the Union Square Business Improvement District]  
Supervisors Peskin, Dufty

Resolution establishing ballot and hearing procedures governing ballots cast by property owners of property located within the boundaries of the Business Improvement District known as the "Union Square Business Improvement District" for the purpose of deciding whether to renew the assessment for the Union Square Business Improvement District for an additional five year term.

Question: Shall this Resolution be ADOPTED?

19. 031277 [Authorize renewal and modification of the Union Square Business Improvement District]  
Supervisors Peskin, Dufty  
Resolution declaring the intention of the Board of Supervisors to authorize renewal and modification of boundaries of a property-based business improvement district known as the "Union Square Business Improvement District," to order the levy and collection of a multi-year assessment, and setting a time and place for a public hearing thereon.
- Question: Shall this Resolution be ADOPTED?
20. 031498 [Authorizing issuance/sale of bond refunding the City and County of San Francisco Settlement Obligation Bonds, Series 2001 (Business Tax Judgment)]  
Mayor  
Resolution authorizing and directing the sale of not to exceed \$45,000,000 City and County of San Francisco Refunding Settlement Obligation Bonds, Series 2003-R1; prescribing the form and terms of said bonds, authorizing the execution, authentication and registration of said bonds; providing for an annual appropriation to pay the principal and interest thereof; providing for the appointment of depositories and other agents for said bonds; providing for the establishment of accounts related thereto; approving the form of the Official Notice of Sale and the Notice of the Intention to Sell Bonds; approving the form and execution of the Official Statement relating thereto; approving the form of the Continuing Disclosure Certificate; approving the form of the Refunding Instructions; approving modifications to the documents approved herein; ratifying certain actions previously taken; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale and delivery of said bonds.
- Question: Shall this Resolution be ADOPTED?
21. 031548 [Purchase from the S.F.Unified School District of Real Property located at 380 Bacon St., San Francisco for the Public Library]  
Mayor, Supervisor Ammiano  
Resolution authorizing the execution and performance of an Agreement of Purchase and Sale for Real Estate between the City and County of San Francisco and the San Francisco Unified School District (the "Seller" or "District"), for the purchase of real property and improvements located at 380 Bacon St., San Francisco (being a portion of Block 5983), for use as the Portola Branch Library of the San Francisco Public Library; adopting findings under the California Environmental Quality Act; and adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1.  
(No Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

**Recommendations of the Land Use Committee**

*Present: Supervisors McGoldrick, Maxwell, Ammiano*

**22. 030999 [Lot Line Selection for Vacant Lots Abutting Two or More Streets]**

**Supervisor McGoldrick**

Ordinance amending Planning Code section 130 to require that before a lot owner may elect which lot line is to be the front lot line of the lot for purposes of the yard and setback requirements the lot must not only abut on two or more streets, but must also be vacant, and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

**23. 031100 [Planning Code Amendment--Mining Exchange Building Setback]**

**Mayor**

Ordinance adopting findings; and amending Appendix B to Article 11 of the San Francisco Planning Code to allow an addition over the San Francisco Mining Exchange Building set back no less than thirty (30) feet from Bush Street.

(No fiscal impact; Planning Commission Resolution No. 16275, adopted November 8, 2001, recommending approval.)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

**24. 031368 [Zoning Map Amendment in connection with Seawall Lot 330]**

Ordinance amending Zoning Map Sheet 1H of the City and County of San Francisco for property located on a portion of Seawall Lot 330, Assessor's Block 3771 to change the height and bulk district classification from 105-F to 220-G; adopting findings pursuant to the California Environmental Quality Act; and making findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

(Planning Department)

(No Public Benefit Recipient; Companion measure to File 031369.)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

**25. 031369 [General Plan Amendment in connection with Seawall Lot 330]**

Ordinance amending the San Francisco General Plan in connection with approvals for the proposed Bryant Street Residential Tower on Seawall Lot 330; adopting findings pursuant to the California Environmental Quality Act; and adopting findings that the General Plan amendment is consistent with the eight Priority Policies of Planning Code Section 101.1.

(Planning Department)

(No Public Benefit Recipient.)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

26. 031434 [Approval of Public Trust Exchange]  
Resolution approving an Exchange Agreement with the State Lands Commission that would remove the public trust and Burton Act trust from approximately 22,600 square feet of unimproved real property located on Seawall Lot 330 at the corner of Bryant and Beale Streets, and would place the public trust and Burton Act trust on an approximately 8.77 acre site located between Maryland Street, Cesar Chavez Street, and 24th Street, on the eastern portion of the Western Pacific parcel; and adopting findings that the approved actions are consistent with the City's General Plan and eight Priority Policies of City Planning Code Section 101.1.  
(Port)  
(No Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

27. 031099 [CEQA Findings - Office projects for 350 Bush Street and 500 Pine Street, including the expansion of Saint Mary's Square Park]  
Mayor  
Resolution adopting environmental findings (and a statement of overriding considerations) pursuant to the California Environmental Quality Act ("CEQA") and state guidelines in connection with the office projects for 350 Bush Street and 500 Pine Street, including the expansion of Saint Mary's Square Park and the amendment to Appendix B to Article 11 – Category II Buildings of the Planning Code.  
(No fiscal impact.)

Question: Shall this Resolution be ADOPTED?

28. 031098 [Expansion of Saint Mary's Square Park]  
Mayor  
Resolution in conjunction with the development of the office projects at 350 Bush Street and 500 Pine Street: (i) approving the conveyance of a parcel of property to the city, which parcel shall be improved and maintained as a public park at no cost to the city, pursuant to the terms of established documentation developed by the City Attorney's Office and the projects' sponsors (ii) authorizing execution of documentation implementing conveyance of the property and the effectuation of the transactions contemplated therein (iii) providing that, following the execution of the documentation and the conveyance, the property shall be under the jurisdiction of the Recreation and Park Commission to be administered by the San Francisco Recreation and Park Department and (iv) authorizing the Mayor's Office of Housing to accept and expend a voluntary contribution \$1,000,000 for the acquisition or construction of permanent affordable single room occupancy housing in San Francisco.  
(No fiscal impact.)

Question: Shall this Resolution be ADOPTED?

**Recommendations of the Rules Committee**

*Present: Supervisors Hall, Dufty*

29.      031502    **[Reduce Members of Lead Hazard Reduction Citizens Advisory Committee From 20 to 14]  
Supervisor Peskin**

Ordinance amending section 1608 of the San Francisco Health Code to reduce the number of voting members in the Lead Hazard Reduction Citizen Advisory Committee from 20 to 14 members by eliminating seats for the affordable housing developers, financial expert, and child care representatives, reducing the number of paint contractor representatives from two to one and reducing the number of tenant representatives from three to one.

Question: Shall this Ordinance be PASSED ON FIRST READING?

30.      031545    **[Agreement to Exchange of Property and Settlement of Lawsuit - William F. Spiers dba Spiers Construction Company]  
Supervisors Hall, Dufty**

Ordinance authorizing an agreement to exchange vacant land uphill from Edgehill Park for the City's property on Portola Drive; adopting findings that the exchange agreement is categorically exempt from environmental review and is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of the exchange agreement; and authorizing settlement of the lawsuit entitled City and County of San Francisco v. William F. Spiers dba Spiers Construction Company, filed on November 29, 2001 in San Francisco Superior Court, Case No. 401-800, for an injunction requiring removal of Spiers' fence blocking access to Edgehill Park, for dismissal of Spiers' cross-complaint for quiet title, and for the exchange agreement. (Public Benefit Recipient.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

31.      031646    **[Appointment]  
Resolution appointing Fiona Ma and Matt Gonzalez terms ending June 30, 2005 to the Association of Bay Area Governments Executive Board.**

Fiona Ma, succeeding herself, term expired, seat 1, must be a member of the Board of Supervisors, for a two year term ending June 30, 2005.

Matt Gonzalez, succeeding himself, term expired, seat 2, must be a member of the Board of Supervisors, for a two year term ending June 30, 2005.

Question: Shall this Resolution be ADOPTED?

**SPECIAL ORDER 3:30 P.M - Recognition of Commendations****SPECIAL ORDER 4:00 P.M.**

(This matter may be continued.)

**Board of Supervisors Sitting as a Committee of the Whole**

32.      031552      [Hearing - Acquisition of Property by Eminent Domain - 701 Lombard Street]  
Hearing of persons interested in or objecting to proposed resolution authorizing acquisition of Lot 001 in Assessor's Block 0074 in San Francisco by Eminent Domain for the Neighborhood Park Bond and Open Space Programs, and adopting findings under City Planning Code Section 101.1.  
(Clerk of the Board)  
(Companion measure to Files 031550, 031551, 031552.)

Action: \_\_\_\_\_

**Committee of the Whole Rise and Report Without Recommendation**

33.      031551      [Eminent Domain - Resolution of Necessity - 701 Lombard Street]  
**Supervisor Peskin**  
Resolution authorizing acquisition of Lot 001 in Assessor's Block 0074 in San Francisco by Eminent Domain for the Neighborhood Park Bond and Open Space Programs, and adopting findings under City Planning Code Section 101.1.

Question: Shall this Resolution be ADOPTED?

**SPECIAL ORDER 4:00 P.M.****Board of Supervisors Sitting as a Committee of the Whole****(Pending approval of File No. 031666.)**

34. 031667 [Committee of the Whole - Human Rights Commission Appointment]  
Supervisor Peskin  
Hearing to consider the Mayor's appointment of Vernon Grigg to the Human Rights Commission.

Action: \_\_\_\_\_

**Committee of the Whole Rise and Report Without Recommendation****(Only one of the following three motions should be adopted.)**

35. 031663 [Appointment - Human Rights Commission]  
Motion approving the Mayor's appointment of Vernon Grigg to the Human Rights Commission for the term ending September 2, 2004.  
(Mayor)  
  
Question: Shall this Motion be ADOPTED?
36. 031664 [Appointment - Human Rights Commission]  
Motion rejecting the Mayor's appointment of Vernon Grigg to the Human Rights Commission for the term ending September 2, 2004.  
(Mayor)  
  
Question: Shall this Motion be ADOPTED?
37. 031665 [Appointment - Human Rights Commission]  
Motion taking no position concerning the Mayor's appointment of Vernon Grigg to the Human Rights Commission, for term ending September 2, 2004.  
(Mayor)

Question: Shall this Motion be ADOPTED?

**38. ROLL CALL FOR INTRODUCTIONS**

*Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, letters of request to the City Attorney and Board Members' reports on their regional body activities.*

### 39. PUBLIC COMMENT

*An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes.*

### APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

*These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.*

40. 031676 [Legislative Analyst Request]  
Supervisors Dufty, Ma, Ammiano, Gonzalez

Motion requesting the Legislative Analyst's Office to study the non-profit collective/cooperative medical cannabis cultivation and distribution model recently employed by the Wo/men's Alliance for Medical Marijuana (WAMM) in Santa Cruz, and to analyze the feasibility and ramifications of implementing such a model in San Francisco.

Question: Shall this Motion be ADOPTED?

### FOR ADOPTION WITHOUT COMMITTEE REFERENCE

*These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.*

### Items 41 through 58

41. 031666 [Committee of the Whole]  
Supervisor Peskin

Motion scheduling a Committee of the Whole to consider the Mayor's appointment of Vernon Grigg to the Human Rights Commission to be held on October 7, 2003 at 4:00 p.m. (File Numbers 031663, 031664, and 031665).

10/1/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be ADOPTED?



42. 031673 [Urging Governor Davis to sign Senate Bill 2]  
**Supervisor Sandoval**  
Resolution urging Governor Davis to sign Health Insurance Act of 2003, also known as SB 2, which would expand the current employer-based health care system to provide health coverage to over one million uninsured Californians.  
  
9/30/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
Question: Shall this Resolution be ADOPTED?
43. 031674 [2003 Domestic Violence Awareness Month]  
**Supervisor Newsom**  
Resolution ratifying that the Board of Supervisors declares the month of October 2003 as "Domestic Violence Awareness Month" in the City and County of San Francisco.  
  
9/30/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
Question: Shall this Resolution be ADOPTED?
44. 031675 [Urging 108th Congress to Tie National School Lunch Program Eligibility to Regional Indicators and To Increase California's Reimbursement Rate]  
**Supervisor Maxwell**  
Resolution urging 108th U.S. Congress to link National School Lunch Eligibility Criteria to Regional Poverty Indicators and to increase the Program's Reimbursement Rate.  
  
9/30/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
Question: Shall this Resolution be ADOPTED?
45. 031677 [Commendation of the San Francisco Asian Peace Officers' Association]  
**Supervisor Ma**  
Resolution commending the San Francisco Asian Peace Officers' Association for their dedication and commitment to the community.  
  
9/30/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
Question: Shall this Resolution be ADOPTED?
46. 031678 [Commemorating the 50th Anniversary of the Korean War]  
**Supervisor Ma**  
Resolution commemorating the 50th anniversary of the Korean War.  
  
9/30/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
Question: Shall this Resolution be ADOPTED?

47. 031679 [Commendation of National Day of the People's Republic of China]  
Supervisor Ma  
Resolution recognizing the contributions of the Chinese community to commerce, culture and diversity and declaring October 1, 2003 as the "54th National Day of the People's Republic of China" in the City and County of San Francisco.
- 9/30/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
48. 031680 [Showers at Lowell High School]  
Supervisor Hall  
Resolution urging the San Francisco Unified School District to consult with, and obtain the approval of, the Crestlake Property Owners Association, the Lakeshore Acres Improvement Club, the Lakeside Homes Association, the Lakeside Property Owner's Association, the Merced Manor Property Owner's Association, the West of Twin Peaks Central Council, and the District Seven Advisory Council before implementing a plan to allow homeless individuals to use shower facilities at Lowell High School.
- 9/30/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
49. 031681 [Commending Saint Thomas the Apostle Catholic Church]  
Supervisor McGoldrick  
Resolution commending Saint Thomas the Apostle Catholic Church for its significant contribution to the community and proclaiming October 19, 2003 Saint Thomas the Apostle Catholic Church Day.
- 9/30/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
50. 031682 [Koshland Park--Gift-in-Place]  
Supervisor Gonzalez  
Resolution accepting a gift in place valued at approximately \$200,000 from the Friends of Recreation and Parks, a non-profit organization, to the Recreation and Park Department of Koshland Park.
- 9/30/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
51. 031683 [Urging 108th U.S. Congress to pass the AgJobs Act of 2003]  
Supervisor Sandoval  
Resolution urging 108th U.S Congress to pass the AgJobs Act of 2003 for seasonal immigrant farm workers.
- 9/30/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?

52.      031684    **[Commending the Committee for the Confucius Memorial Ceremony]**  
Supervisor Ma  
Resolution commending the Committee for the Confucius Memorial Ceremony for their dedication to recognizing the teachings of Confucius.
- 9/30/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
53.      031650    **[Needle Exchange Emergency]**  
Supervisors Ammiano, Newsom, Daly, Peskin, McGoldrick, Maxwell, Dufty  
Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.
- 9/30/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Motion be ADOPTED?
54.      031668    **[Final Map for a 7 Lot Airspace Subdivision Project]**  
Motion approving Final Map of Mission Place Phase 1, 250 King Street and 260 King Street, a Subdivision of Airspace, Lot 3, Assessor's Block No. 8702, and adopting findings pursuant to Planning Code Section 101.1.  
(Public Works Department)  
(No Public Benefit Recipient; DPW Order No. 174,413; District 6.)
- 9/30/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Motion be ADOPTED?
55.      031669    **[Final Map for a 130 Unit Residential Condominium Project]**  
Motion approving Final Map of Mission Place Phase 2, 250 King Street, a Residential Condominium Project, being a Subdivision of Lot 5, Assessor's Block No. 8702, and adopting findings pursuant to Planning Code Section 101.1.  
(Public Works Department)  
(No Public Benefit Recipient; DPW Order No. 174,414; District 6.)
- 9/30/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Motion be ADOPTED?
56.      031670    **[Final Map for a 96 Unit Residential Condominium Project]**  
Motion approving Final Map of Mission Place Phase 3, 250 King Street, a Residential Condominium Project, being a Subdivision of Lot 6, Assessor's Block No. 8702, and adopting findings pursuant to Planning Code Section 101.1.  
(Public Works Department)  
(No Public Benefit Recipient; DPW Order No. 174,415; District 6.)
- 9/30/2002, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Motion be ADOPTED?

57. 031671 [Final Map for a 65 Unit Residential Condominium Project]  
Motion approving Final Map of Mission Place Phase 4, 250 King Street, a Residential Condominium Project, being a Subdivision of Lot 7, Assessor's Block No. 8702, and adopting findings pursuant to Planning Code Section 101.1.  
(Public Works Department)  
(No Public Benefit Recipient; DPW Order No. 174,416; District 6.)  
  
9/30/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
Question: Shall this Motion be ADOPTED?
58. 031672 [Final Map for a 6 Unit Residential Condominium Project]  
Motion approving Final Map of 3615 20th Street, a Residential Condominium Project, being a Subdivision of Lot 74, Assessor's Block No. 3608, and adopting findings pursuant to Planning Code Section 101.1.  
(Public Works Department)  
(No Public Benefit Recipient; DPW Order No. 174,422; District 9.)  
  
9/30/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
Question: Shall this Motion be ADOPTED?

*Questions on the For Adoption Without Committee Reference  
Agenda: \_\_\_\_\_*

## 59. IMPERATIVE AGENDA

*Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s).*

*[Serious Injury Finding]*

*Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."*

*[Purely Commendatory Finding]*

*Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.*

*[Brown Act Finding]*

*Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.*

*[Imperative Resolutions, if any]*

## OFF-AGENDA LEGISLATION

## PROPOSED ORDINANCES

*Proposed ordinances received from September 23, 2003 through September 29, 2003, for reference by President to appropriate committee on October 7, 2003.*

**031642 [Settlement of Lawsuit - Marie Lavin]**

Ordinance authorizing settlement of the lawsuit filed by Marie Lavin against the City and County of San Francisco for \$200,000; the lawsuit was filed on December 5, 2001, in the San Francisco Superior Court, Case No. 402019, entitled Marie Lavin v. City and County of San Francisco, Adult Probation Department.

(City Attorney)

(Public Benefit Recipient.)

9/29/2003, RECEIVED AND ASSIGNED to Rules Committee.

**031643 [License Agreement with Broadcast Music Incorporated]**

Ordinance authorizing the City Administrator to enter into the Local Government Licensing Agreement negotiated between the International Municipal Lawyer's Association and Broadcast Music Incorporated to license music uses by the City under a license subject to automatic annual renewal for an annual Base License Fee plus 1% of revenue from events in which gross revenue exceeds \$25,000.

(City Administrator)

(No Public Benefit Recipient.)

9/29/2003, RECEIVED AND ASSIGNED to Finance and Audits Committee.

## PROPOSED RESOLUTIONS

*Proposed resolutions received from September 23, 2003 through September 29, 2003, for reference by President to appropriate committee on October 7, 2003.*

**031640 [Airport - Amendment to Concession Agreement and Lease Agreement for Rental Car Operations]**

Resolution approving (a) Amendment No. 1 to the Concession Agreements and Lease Agreements for Rental Car Operations between Alamo Rent-A-Car, LLC, Avis Rent-A-Car System, Inc., Budget Rent-A-Car Systems, Inc., Dollar Rent-A-Car System, Inc., Enterprise Rent-A-Car Company of San Francisco, The Hertz Corporation, and Thrifty Rent-A-Car System, Inc., and the City and County of San Francisco, acting by and through its Airport Commission; and (b) Amendment No. 1 to the Lease Agreement for Rental Car Operations between National Car Rental Systems, Inc. and the City and County of San Francisco, acting by and through its Airport Commission.

(Airport Commission)

(No Public Benefit Recipient.)

9/26/2003, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031641 [Accept-Expend Federal Grant]**

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of \$51,500 from the Environmental Protection Agency to reduce levels of mercury entering the San Francisco Bay by limiting the wastes associated with mercury amalgam fillings generated by dental offices to minimum achievable levels through a Dental Mercury Reduction Program.

(Environment)

(No Public Benefit Recipient.)

9/26/2003, RECEIVED AND ASSIGNED to City Services Committee.

**031685 [Petitions and Communications]**

Petitions and Communications received from September 23, 2003 through September 29, 2003, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on October 7, 2003.

From Office of the Controller, regarding reassigning contracts formerly entered into with the San Francisco League of Urban Gardeners (SLUG). (1)

From Reuben & Alter, LLP, appealing decision of Planning Commission that authorizes the acquisition by eminent domain of 701 Lombard Street. (2)

From Clerk of the Board, regarding beverage and snack vending usage and preferences in City and County departments. (Reference No. 20030923-045) Copy: Supervisor Peskin (3)

From concerned citizens, submitting opposition to proposed legislation regarding the "Housing Element" in its current form. (4)

From Greater West Portal Neighborhood Association, submitting opposition to proposed legislation regarding "Secondary Units" in San Francisco. File 030896 (5)

From Senior Action Network, submitting opposition to proposed legislation regarding the motorcycle sidewalk parking policy. File 030808 (6)

From Fire Department, regarding complaint received for blocked exits at Balboa High School, located at 1000 Cayuga Avenue. Copy: Supervisor Sandoval (7)

From Fresh Organics, Inc., regarding closure of Real Foods Co. on 24th Street. File 031556 (8)

From Mercy Housing California, submitting notice that Mercy Housing California is submitting an application to the State's Multifamily Housing Program to develop Mission Creek Senior Community at 201 Berry Street in the Mission Bay North Redevelopment Project Area. (9)

From Department of Human Resources, regarding request for layoff data of City employees for fiscal year 2003-04. (Reference No. 20030819-002) Copy: Supervisor Newsom (10)

From Department of Child Support Services, submitting request for waiver of Chapter 12B of the Administrative Code for Lexis-Nexis, an on-line service that provides access to case law and other legal information needed to conduct core business in the Department. (11)

From War Memorial and Performing Arts Center, submitting notice that the adopted budget for fiscal year 2003-04 is not adequate for the department to meet service levels as proposed by the Board of Supervisors. (12)

From International Federation of Professional and Technical Engineers, Local 21, regarding leave of absence that the Planning Director' is currently on. Copy: Each Supervisor (13)

From District Attorney, submitting notice that funding provided for in the Budget for fiscal year 2003-04 is adequate for the department to meet service levels for fiscal year 2003-04. (14)

From Federal Deposit Insurance Corporation, submitting invitation to members of the Board of Supervisors to attend a meeting to discuss the security of the United States' financial services sector on October 16, 2003 at 1301 Clay Street, in Oakland. Copy: Each Supervisors (15)

From Sunshine Ordinance Task Force, submitting the URL for the 2002 Annual Report for the Sunshine Ordinance Task Force. (16)

From Office of the Controller, submitting review of SBC California's Gross Revenues from Public Communications Services at the San Francisco International Airport. (17)

From James Chaffee, submitting a copy of the "Neighborhood Library Campaign Gift Recognition Policy" passed by the Library Commission on September 18, 2003. Copy: Each Supervisor (18)

From North Beach Chamber of Commerce, urging the Board to continue consideration of the acquisition by eminent domain of 701 Lombard Street. File 031550 (19)

From Mary Lynn Slattery & Nancy Rowland, submitting request for a type 42 liquor license for Vino Venue, a unique self-serve wine tasting bar at 686 Mission Street. (20)

From Timothy Brown, regarding being pulled over by a police officer for not having attached updated registration stickers to his car and everything that happened afterwards. Copy: Each Supervisor, Police Department, Department of Parking and Traffic (21)

From Verizon Wireless, submitting notification letter for a CPUC Cell Site for GTE Mobilnet of California Limited Partnership at 245 South Van Ness Avenue. (22)

From Fra Kepler Korn, submitting request for transfer of a type 47 to a type 48 liquor license for "the Ace SF at 312 Harriet Street. (23)

From Jim Corrigan, submitting support for making 50 uniformed positions in the Fire Department at the Emergency Communication's Center into civilian positions, reducing the tax burden on San Francisco property owners. Copy: Each Supervisor (24)

From Adam Strom, submitting opposition to the proposed parking garage in Golden Gate Park. Files 031481, 031482, 031483, 031484 (25)

#### APPOINTMENTS BY THE MAYOR

Human Rights Commission  
Vernon Grigg

## ADJOURNMENT



# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO AGENDA



DOCUMENTS DEPT

OCT 16 2003

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PUBLIC LIBRARY

Legislative Chamber - Second Floor  
City Hall, 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

10-16-03P03:31 RCVD

Tuesday, October 21, 2003 2:00 PM

## Regular Meeting

MATT GONZALEZ, PRESIDENT  
TOM AMMIANO, CHRIS DALY, BEVAN DUFTY, TONY HALL,  
FIONA MA, SOPHIE MAXWELL, JAKE MCGOLDRICK,  
GAVIN NEWSOM, AARON PESKIN, GERARDO SANDOVAL

Gloria L. Young, Clerk of the Board

Agendas of the Board of Supervisors are available on the internet at [www.ci.sf.ca.us/bdsupvrs](http://www.ci.sf.ca.us/bdsupvrs)

## BOARD COMMITTEES

### Committee Membership

#### **Budget Committee**

Supervisors Daly, Maxwell, Peskin

#### **City and School District Select Committee**

Supervisors Maxwell, Ammiano, Ma, Commissioners Cruz, Sanchez, Kelly

#### **City Services Committee**

Supervisors Dufty, Ma, Newsom

#### **Finance and Audits Committee**

Supervisors Peskin, Sandoval, McGoldrick

#### **Land Use Committee**

Supervisors McGoldrick, Maxwell, Ammiano

#### **Rules Committee**

Supervisors Hall, Dufty, Gonzalez

### Meeting Days

Thursday

1:00 PM

2nd Monday, bi-monthly

4:00 PM

Thursday

9:30 AM

Wednesday

12:30 PM

Monday

1:00 PM

Wednesday

9:30 AM

## Board Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4) standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

Agenda are available on the internet at [www.sfgov.org/bdsupvrs.bos.htm](http://www.sfgov.org/bdsupvrs.bos.htm).

THE AGENDA PACKET IS AVAILABLE AT CITY HALL, ROOM 244, RECEPTION DESK.

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 557-4293.

Results of each Board meeting can be obtained about a half hour after the end of the meeting by telephoning (415) 554-5555.

Requests for language translation at a meeting must be received no later than noon the Friday before the meeting. Contact Ohn Myint at (415) 554-7704.

AVISO EN ESPAÑOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

**翻譯 必須在會議前最少四十八小時提出要求**  
**請電 (415) 554-7701**

## Disability Access

The Legislative Chamber of the Board of Supervisors is in Room 250 of City Hall, 1 Dr. Carlton B. Goodlett Place. The Chamber is wheelchair accessible.

The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex.

All meetings are real-time captioned and are cablecast open-captioned on SF Cable 26.

The following services are available when requests are made by 4:00 p.m. of the Friday before the Board meeting. This advance notice will help ensure availability.

· For American Sign Language interpreters or use of a reader during a meeting, contact Ohn Myint at (415) 554-7704.

· For a large print copy of agenda or minutes in alternative formats, contact Annette Lonich at (415) 554-7706.

Assistive listening devices are available from the receptionist in the Clerk of the Board's Office, Room 244, prior to the meeting.

The Clerk of the Board's Office TTY number is (415) 554-5227.

In order to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

### **Know Your Rights Under the Sunshine Ordinance**

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Donna Hall by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at [Donna.Hall@sfgov.org](mailto:Donna.Hall@sfgov.org)

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Ms. Hall or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine.htm>

### **Lobbyist Registration and Reporting Requirements**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site [www.sfgov.org/ethics](http://www.sfgov.org/ethics)

## ROLL CALL AND PLEDGE OF ALLEGIANCE

## APPROVAL OF MEETING MINUTES

*Motion to approve the September 23, 2003 and September 30, 2003 Board Minutes.*

## AGENDA CHANGES

## COMMUNICATIONS

*Note: Each item on the Consent or Regular agenda may include the following documents:*

- 1) Legislation*
- 2) Budget Analyst report*
- 3) Legislative Analyst report*
- 4) Department or Agency cover letter and/or report*
- 5) Public correspondence*

*These items will be available for review at City Hall, Room 244, Reception Desk.*

## CONSENT AGENDA

*All matters listed hereunder constitute a Consent Agenda, are considered to be routine by the Board of Supervisors and will be acted upon by a single roll call vote of the Board. There will be no separate discussion of these items unless a member of the Board so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.*

### Items 1 through 9

### Recommendations of the City Services Committee

*Present: Supervisors Dufty, Newsom*

1. 031530 [Grant to improve traffic and pedestrian safety in San Francisco]  
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept and expend retroactively a grant in the amount of \$439,455 from the California Business, Transportation & Housing Agency Office of Traffic Safety (CBTHAOTS) to prevent DUI and resultant traffic injuries and to enter into an agreement for the use of these funds; for the period of October 1, 2003 to December 31, 2005.

(Public Health Department)

(No Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

*Present: Supervisors Dufty, Ma, Newsom*

2.        031641    **[Accept-Expend Federal Grant]  
Supervisor Dufty**

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of \$51,500 from the Environmental Protection Agency to reduce levels of mercury entering the San Francisco Bay by limiting the wastes associated with mercury amalgam fillings generated by dental offices to minimum achievable levels through a Dental Mercury Reduction Program.  
(Environment)  
(No Public Benefit Recipient.)

**Question: Shall this Resolution be ADOPTED?**

**Recommendation of the Finance and Audits Committee**

*Present: Supervisors Peskin, Sandoval, McGoldrick*

3.        031462    **[Appropriate funding for the Day Laborer Program]  
Supervisors Ammiano, Daly**

Ordinance re-appropriating \$75,000 from FY 2002-2003 and \$90,000 FY 2003-2004 from the Mayor's Office to the Immigrant Rights Commission, Administrative Services Department, to fund the Day Laborer Program for fiscal year 2003-04.

10/7/2003, PASSED ON FIRST READING. Supervisor Daly requested to be added as a co-sponsor.

**Question: Shall this Ordinance be FINALLY PASSED?**

**Recommendations of the Land Use Committee**

*Present: Supervisors McGoldrick, Maxwell, Ammiano*

4.        030999    **[Lot Line Selection for Vacant Lots Abutting Two or More Streets]  
Supervisor McGoldrick**

Ordinance amending Planning Code Section 130 to require that before a lot owner may elect which lot line is to be the front lot line of the lot for purposes of the yard and setback requirements the lot must not only abut on two or more streets, but must also be vacant, and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

10/7/2003, PASSED ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

5.           031100   **[Planning Code Amendment--Mining Exchange Building Setback]**  
Mayor, Supervisor Hall  
Ordinance adopting findings; and amending Appendix B to Article 11 of the San Francisco Planning Code to allow an addition over the San Francisco Mining Exchange Building set back no less than thirty (30) feet from Bush Street.  
(No fiscal impact; Planning Commission Resolution No. 16275, adopted November 8, 2001, recommending approval.)  
  
10/7/2003, PASSED ON FIRST READING. Supervisor Hall requested to be added as a co-sponsor.  
Question: Shall this Ordinance be FINALLY PASSED?
6.           031368   **[Zoning Map Amendment in connection with Seawall Lot 330]**  
Ordinance amending Zoning Map Sheet 1H of the City and County of San Francisco for property located on a portion of Seawall Lot 330, Assessor's Block 3771 to change the height and bulk district classification from 105-F to 220-G; adopting findings pursuant to the California Environmental Quality Act; and making findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.  
(Planning Department)  
(No Public Benefit Recipient; Companion measure to File 031369.)  
  
10/7/2003, PASSED ON FIRST READING.  
Question: Shall this Ordinance be FINALLY PASSED?
7.           031369   **[General Plan Amendment in connection with Seawall Lot 330]**  
Ordinance amending the San Francisco General Plan in connection with approvals for the proposed Bryant Street Residential Tower on Seawall Lot 330; adopting findings pursuant to the California Environmental Quality Act; and adopting findings that the General Plan amendment is consistent with the eight Priority Policies of Planning Code Section 101.1.  
(Planning Department)  
(No Public Benefit Recipient.)  
  
10/7/2003, PASSED ON FIRST READING.  
Question: Shall this Ordinance be FINALLY PASSED?
- Present: Supervisors Dufty, Ma, Newsom*
8.           031527   **[Accept-Expend Regional Grant]**  
Resolution authorizing the Director of Transportation or his designee to accept and expend \$157,000 in FY 03/04 Transportation Fund for Clean Air (TFCA) from the Bay Area Air Quality Management District (Air District) to stripe and sign bike lanes and purchase and install bicycle racks and to execute any and all associated documents.  
(Parking and Traffic Department)  
(No Public Benefit Recipient.)  
  
Question: Shall this Resolution be ADOPTED?

## Recommendation of the Rules Committee

*Present: Supervisors Hall, Dufty*

9.        031502    **[Reduce Members of Lead Hazard Reduction Citizens Advisory Committee From 20 to 15]  
Supervisor Peskin**

Ordinance amending Section 1608 of the San Francisco Health Code to reduce the number of voting members in the Lead Hazard Reduction Citizen Advisory Committee from 20 to 15 members by eliminating seats for the affordable housing developers, financial expert, and child care representatives, reducing the number of paint contractor representatives from two to one and reducing the number of tenant representatives from three to two.

10/7/2003, AMENDED.

10/7/2003, PASSED ON FIRST READING AS AMENDED.

**Question: Shall this Ordinance be FINALLY PASSED?**

*Questions on the Consent Agenda are on final passage, first reading, or adoption, as indicated: \_\_\_\_\_*

## REGULAR AGENDA

## UNFINISHED BUSINESS

### Recommendations of the Finance and Audits Committee

*Present: Supervisors Peskin, Sandoval, McGoldrick*

10. 031276 [Approving ballot and hearing procedures for renewal of the Union Square Business Improvement District]  
Supervisors Peskin, Dufty, Newsom  
Resolution establishing ballot and hearing procedures governing ballots cast by property owners of property located within the boundaries of the Business Improvement District known as the "Union Square Business Improvement District" for the purpose of deciding whether to renew the assessment for the Union Square Business Improvement District for an additional five year term.

10/7/2003, CONTINUED. Continued to October 21, 2003

Question: Shall this Resolution be **ADOPTED**?

11. 031277 [Authorize renewal and modification of the Union Square Business Improvement District]  
Supervisors Peskin, Dufty, Newsom  
Resolution declaring the intention of the Board of Supervisors to authorize renewal and modification of boundaries of a property-based business improvement district known as the "Union Square Business Improvement District," to order the levy and collection of a multi-year assessment, and setting a time and place for a public hearing thereon.

10/7/2003, CONTINUED. Continued to October 21, 2003 with pending amendment.

Question: Shall this Resolution be **ADOPTED**?



## **Recommendation of the Rules Committee**

*Present: Supervisors Hall, Dufty*

12. 031545 [Agreement to Exchange of Property and Settlement of Lawsuit - William F. Spiers dba Spiers Construction Company]  
Supervisors Hall, Dufty  
Ordinance authorizing an agreement to exchange vacant land uphill from Edgehill Park for the City's property on Portola Drive; adopting findings that the exchange agreement is categorically exempt from environmental review and is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of the exchange agreement; and authorizing settlement of the lawsuit entitled City and County of San Francisco v. William F. Spiers dba Spiers Construction Company, filed on November 29, 2001 in San Francisco Superior Court, Case No. 401-800, for an injunction requiring removal of Spiers' fence blocking access to Edgehill Park, for dismissal of Spiers' cross-complaint for quiet title, and for the exchange agreement.  
(Public Benefit Recipient.)

10/7/2003, PASSED ON FIRST READING.

Question: Shall this Ordinance be **FINALLY PASSED**?

## **NEW BUSINESS**

### **Recommendation of the Budget Committee**

*Present: Supervisors Daly, Peskin*

13. 030983 [2004 Finance Corporation Equipment Program]  
Mayor  
Resolution approving the form of and authorizing execution and delivery by the City and County of San Francisco of an equipment lease Supplement No. 11 (Series 2004A Bonds) between the City and the County of San Francisco Finance Corporation, as lessor, and the City and County of San Francisco, as lessee, with respect to the equipment to be used for city purposes, a related certificate of approval and a continuing disclosure certificate; approving the issuance of lease revenue bonds by said nonprofit corporation in an amount not to exceed \$10,395,000; providing for reimbursement to the City and County of San Francisco of certain city expenditures incurred prior to the issuance of lease revenue bonds; and providing for the execution of documents in connection therewith.  
(Mayor)

Question: Shall this Resolution be **ADOPTED**?

## Recommendations of the City Services Committee

*Present: Supervisors Dufty, Newsom*

14. 030771 [Liquor License, 1765 California Street]  
Resolution determining that issuance of a Type 42 on-sale beer and wine public premises license to Jeff Campbell dba "Whole Foods Market", in addition to its existing Type 20 off-sale beer and wine alcoholic beverage control license at 1765 California Street (District 2), will serve the convenience of the people of the City and County of San Francisco; in accordance with Section 23958.4 of the California Business and Professions Code; with conditions.

Question: Shall this Resolution be ADOPTED?

*Present: Supervisors Dufty, Ma, Newsom*

15. 031519 [Refugee County Plan]  
Resolution approving the San Francisco Federal Fiscal Year 2003 Refugee County Plan.  
(Private Industry Council)  
(No Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

16. 031602 [Substance Abuse and Crime Prevention Act of 2000 - Implementation Plan]  
Supervisor Newsom  
Resolution authorizing adoption of the San Francisco County Plan for the Substance Abuse and Crime Prevention Act of 2000 for Fiscal Year 2003-2004.  
(Public Health Department)  
(Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

## Recommendations of the Finance and Audits Committee

*Present: Supervisors Peskin, McGoldrick*

17. 030869 [Tobacco Sales Permit]  
Supervisors Maxwell, Ammiano, Daly, Dufty, McGoldrick  
Ordinance amending the San Francisco Health Code by adding Article 19H to require a permit for tobacco sales and amending the San Francisco Business and Tax Regulations Code by adding section 249.16 to set the fee for the tobacco sales permit.

Question: Shall this Ordinance be PASSED ON FIRST READING?

18. 031658 [Appropriate State and Federal funding for the CalWORKs, Medi-Cal, IHSS and Foster Care programs]  
Mayor  
Ordinance appropriating \$2,399,795 of CalWORKs, Medi-Cal, IHSS and Foster Care funding to fill 28.67 vacant FTEs including deletion of 9.38 FTEs and creation of 9.38 FTEs, purchase one-time materials and supplies, and provide stipends to emancipated foster youth for the Department of Human Services and amending Annual Salary Ordinance for Fiscal Year 2003-04.  
(Mayor)  
(Fiscal impact; No Public Benefit Recipient.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

*Present: Supervisors Peskin, Sandoval, McGoldrick*

19. 031659 [Public Employment]  
Ordinance amending Ordinance No. 171-01 (Annual Salary Ordinance 2003/04) reflecting the abolishment of 14 positions (9.38 FTEs) and the creation of 14 positions (9.38 FTEs) at the Department of Human Services.  
(Human Resources Department)  
(Fiscal impact; No Public Benefit Recipient.)
20. 031601 [Authorizing the Teeter Tax Losses Reserve Fund to be governed by Revenue and Taxation Code Section 4703.2 for fiscal year 2002-2003 and thereafter]  
Resolution authorizing the Teeter Tax Losses Reserve Fund to be governed by Revenue and Taxation Code Section 4703.2 for fiscal year ending June 30, 2003 and thereafter.  
(Controller)  
(Fiscal impact; No Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

### **Recommendations of the Land Use Committee**

*Present: Supervisors McGoldrick, Maxwell, Ammiano*

21. 031608 [Taxicab Gate Fees]  
Supervisor Hall  
Ordinance amending Section 1135.1 of the Police Code to provide for extending to March 1, 2004 the time for sunseting the higher cap on taxicab gate fees if the City fails to enact an ordinance prescribing a long-term lease fee cap covering long-term lease drivers and an ordinance establishing a program of health insurance/health benefits for taxi drivers; and to authorize the Board of Supervisors by resolution to extend the times provided for in Section 1135.1 for sunseting the higher gate fee cap.

Question: Shall this Ordinance be PASSED ON FIRST READING?

22. 031528 [Street Artist Hyde Street Spaces]  
Resolution re-designating seven (7) permanent selling spaces on Hyde Street, west side, Beach to Jefferson Streets; deleting seven (7) permanent selling spaces on Hyde Street, east side, Beach to Jefferson Streets; re-designating fourteen (14) selling spaces on Hyde Street, east side, Beach to Jefferson Streets; designating two (2) additional selling spaces on Hyde Street, east side, Beach to Jefferson Streets, for street artists certified by the Arts Commission, City and County of San Francisco; and exempting said seven spaces on Hyde Street, west side, Beach to Jefferson Streets, from Police Code Section 2405(c)(16) requiring street artists to maintain a minimum of eight feet of passageway for pedestrians.  
(Arts Commission) ~  
(No Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

### Recommendation of the Rules Committee

*Present: Supervisors Hall, Duffy, Gonzalez*

23. 031457 [Introducing General Obligation Bond proposals 168 days before election]  
Supervisor Gonzalez  
Ordinance amending Section 2.31 of the Administrative Code to require that resolutions of necessity for proposed general obligation bonds must be introduced at the Board of Supervisors not less than 168 days before the election at which the voters could consider the proposed bond measure, rather than 169 days before the election.

Question: Shall this Ordinance be PASSED ON FIRST READING?

## **SPECIAL ORDER 3:30 P.M - Recognition of Commendations**

**SPECIAL ORDER 4:00 P.M.**

24. 031686 [Public Hearing - Appeal, Categorical Exemption, 701 Lombard Street]  
Hearing of persons interested in or objecting to the decision of the Planning Department dated August 5, 2003, approving a categorical exemption for the proposed Acquisition by Eminent Domain at 701 Lombard Street. (Appellant: James A. Reuben, attorney for Brian O'Flynn and Martin Coyne).

Action: \_\_\_\_\_

*Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.*

**(Only one of the following two motions should be adopted.)**

25. 031687 [Affirming the exemption issued for 701 Lombard Street]  
Motion affirming the determination by the Planning Department that the acquisition of 701 Lombard Street is exempt from environmental review under the California Environmental Quality Act.  
(Clerk of the Board)  
  
Question: Shall this Motion be ADOPTED?
26. 031688 [Disapproving the exemption issued for 701 Lombard Street]  
Motion disapproving the determination by the Planning Department that the acquisition of 701 Lombard Street is exempt from environmental review under the California Environmental Quality Act.  
(Clerk of the Board)  
  
Question: Shall this Motion be ADOPTED?
27. 031689 [Preparation of findings related to the exemption appeal for 701 Lombard Street]  
Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the acquisition of 701 Lombard Street is exempt from the California Environmental Quality Act.  
(Clerk of the Board)  
  
Question: Shall this Motion be ADOPTED?

**SPECIAL ORDER 4:00 P.M.**

28. 031552 [Hearing - Acquisition of Property by Eminent Domain - 701 Lombard Street]  
Hearing of persons interested in or objecting to proposed resolution authorizing acquisition of Lot 001 in Assessor's Block 0074 in San Francisco by Eminent Domain for the Neighborhood Park Bond and Open Space Programs, and adopting findings under City Planning Code Section 101.1.  
(Clerk of the Board)  
(Companion measure to Files 031550, 031551, 031552.)

10/7/2003, CONTINUED. Continued to October 21, 2003 at 4:00 p.m.

Action: \_\_\_\_\_

*Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.*

29. 031551 [Eminent Domain - Resolution of Necessity - 701 Lombard Street]  
**Supervisor Peskin**  
Resolution authorizing acquisition of Lot 001 in Assessor's Block 0074 in San Francisco by Eminent Domain for the Neighborhood Park Bond and Open Space Programs, and adopting findings under City Planning Code Section 101.1.

10/7/2003, CONTINUED. Continued to October 21, 2003 at 4:00 p.m.

**Question: Shall this Resolution be ADOPTED?**

**SPECIAL ORDER 5:30 P.M.****(This matter may be continued.)**

30. 031631 [Public Hearing - Appeal, Final EIR for the 300 Spear Street Project]  
Hearing of persons interested in or objecting to the Planning Commission certification of the Final Environmental Impact Report Case No. 2000.1090E, dated September 4, 2003, for the proposed project at 300 Spear Street. (Appellant: Sue C. Hestor, attorney for the Rincon Hill Residents Association and the BayCrest Towers Residential Association).  
(Filed 9/24/03; companion measure to Files 031632, 031633, 031634.)

Action: \_\_\_\_\_

*Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.*

**(Only one of the following two motions should be adopted.)**

31. 031632 [Affirm certification of final environmental impact report for the 300 Spear Street Project]  
Motion affirming the Planning Commission certification of the final environmental impact report for the 300 Spear Street Project.  
(Clerk of the Board)  
  
Question: Shall this Motion be ADOPTED?
32. 031633 [Reverse certification of final environmental impact report for the 300 Spear Street Project]  
Motion reversing the Planning Commission certification of the final environmental impact report for the 300 Spear Street Project.  
(Clerk of the Board)  
  
Question: Shall this Motion be ADOPTED?
33. 031634 [Preparation of findings to reverse certification of the of final environmental impact report for the 300 Spear Street Project]  
Motion directing the Clerk of the Board to prepare findings specifying the basis for the Board of Supervisors' reversal of the Planning Commission certification of the final environmental impact report for the 300 Spear Street Project.  
(Clerk of the Board)  
  
Question: Shall this Motion be ADOPTED?

**SPECIAL ORDER 7:00 P.M.****(This matter may be continued.)**

34. 031627 [Public Hearing - Appeal, Final EIR for the 201 Folsom Street Project]  
Hearing of persons interested in or objecting to the Planning Commission certification of the Final Environmental Impact Report Case No. 2002.1073E, dated September 4, 2003, for the proposed project at 201 Folsom Street. (Appellant: Sue C. Hestor, attorney for the Rincon Hill Residents Association and BayCrest Towers Residential Association).  
(Filed 9/24/03; companion measure to Files 031628, 031629, 031630.)

Action: \_\_\_\_\_

*Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.*

**(Only one of the following two motions should be adopted.)**

35. 031628 [Affirm certification of final environmental impact report for the 201 Folsom Street Project]  
Motion affirming the Planning Commission certification of the final environmental impact report for the 201 Folsom Street Project.  
(Clerk of the Board)  
  
Question: Shall this Motion be ADOPTED?
36. 031629 [Reverse certification of final environmental impact report for the 201 Folsom Street Project.]  
Motion reversing the Planning Commission certification of the final environmental impact report for the 201 Folsom Street Project.  
(Clerk of the Board)  
  
Question: Shall this Motion be ADOPTED?
37. 031630 [Preparation of findings to reverse certification of the of final environmental impact report for the 201 Folsom Street Project.]  
Motion directing the Clerk of the Board to prepare findings specifying the basis for the Board of Supervisors' reversal of the Planning Commission certification of the final environmental impact report for the 201 Folsom Street Project.  
(Clerk of the Board)  
  
Question: Shall this Motion be ADOPTED?



**SPECIAL ORDER 8:30 P.M.****38. 031636 [Public Hearing - Appeal, Conditional Use - 5630-38 Mission Street]**

Hearing of persons interested in or objecting to the decision of Planning Commission by its Motion No. 16639 dated August 28, 2003, approving Conditional Use Application No. 2003.0376C pursuant to Section 711.83 of the Planning Code, and subject to certain conditions, to allow the installation of six (6) panel antennas and one (1) GPS antenna on the rooftop and associated equipment cabinets within the storage room of the Mission Inn Motel, as part of a wireless telecommunications network operated by Verizon Wireless in a NC-2 (Small-Scale Neighborhood Commercial District), and a 40-X-Height and Bulk District, on property located at 5630-38 Mission Street, between Naglee and Whipple Avenues; Lot 012, in Assessor's Block 7098.

(Appeal filed September 25, 2003; categorically exempt from the environmental review process pursuant to Class 1 exemptions of Title 14 of the California Administrative Code; companion measure to Files 031637, 031638, 031639; District 11.)

Action: \_\_\_\_\_

*Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.*

**(Only one of the following two motions should be adopted.)****39. 031637 [Appeal, Conditional Use, 5630-38 Mission Street]**

Motion approving decision of the Planning Commission by its Motion No. 16639 approving Conditional Use Application No. 2003.0376C, on property located at 5630-38 Mission Street, and adopting findings pursuant to Planning Code Section 101.1.  
(Clerk of the Board)

Question: Shall this Motion be ADOPTED?

**40. 031638 [Appeal, Conditional Use, 5630-38 Mission Street]**

Motion disapproving decision of the Planning Commission by its Motion No. 16639 approving Conditional Use Application No. 2003.0376C, on property located at 5630-38 Mission Street, and adopting findings pursuant to Planning Code Section 101.1.  
(Clerk of the Board)

Question: Shall this Motion be ADOPTED?

**41. 031639 [Findings - 5630-38 Mission Street]**

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2003.0376C, on property located at 5630-38 Mission Street, for action by the Board at its next meeting.  
(Clerk of the Board)

Question: Shall this Motion be ADOPTED?

## 42. ROLL CALL FOR INTRODUCTIONS

*Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, letters of request to the City Attorney and Board Members' reports on their regional body activities.*

## 43. PUBLIC COMMENT

*An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes.*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

*These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.*

### Items 44 through 48

#### 44. 031673 [Urging Governor Davis to sign Senate Bill 2]

**Supervisor Sandoval**

Resolution urging Governor Davis to sign Health Insurance Act of 2003, also known as SB 2, which would expand the current employer-based health care system to provide health coverage to over one million uninsured Californians.

9/30/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

10/7/2003, CONTINUED. Continued to October 21, 2003

Question: Shall this Resolution be ADOPTED?

#### 45. 031718 [Supporting Immigrant Pride Day 2003 in the City & County of San Francisco]

**Supervisor Gonzalez**

Resolution waiving the fees associated with Immigrant Pride Day for the San Francisco Police Department and the San Francisco Fire Departments and urging the Municipal Transportation Agency to join with the City and waive their fees in support of Immigrant Pride Day.

10/7/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

46. 031719 [Commending the Mission Council]  
Supervisor Daly  
Resolution commending the Mission Council for 25 years of delivering culturally competent, community-based services to the people of San Francisco.  
  
10/7/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
Question: Shall this Resolution be ADOPTED?
47. 031720 [Proclaiming October 2003 Potrero Hill Month]  
Supervisor Maxwell  
Resolution proclaiming October 2003 "Potrero Hill Month" in the City and County of San Francisco.  
  
10/7/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
Question: Shall this Resolution be ADOPTED?
48. 031722 [Needle Exchange Emergency]  
Supervisors Ammiano, Newsom, Daly, Peskin, McGoldrick, Maxwell, Dufty  
Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.  
  
9/21/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
Question: Shall this Motion be ADOPTED?

*Questions on the For Adoption Without Committee Reference*

*Agenda:* \_\_\_\_\_

## 49. IMPERATIVE AGENDA

*Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s).*

## OFF-AGENDA LEGISLATION

## PROPOSED ORDINANCES

*Proposed ordinances received from September 30, 2003 through October 10, 2003, for reference by President to appropriate committee on October 21, 2003.*

- 031694 [Traffic Code - Amending Section 32.1.1 to update location of Main Public Library]  
Ordinance amending Section 32.1.1 of the San Francisco Traffic Code.  
(No Public Benefit Recipient.)

10/1/2003, RECEIVED AND ASSIGNED to Land Use Committee.

**031695 [Changing Official Width of Sidewalk]**

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1561 to change the official sidewalk width on the south side of Market Street west of Third Street; making findings pursuant to the General Plan; and requiring relocation, modification, or both of facilities affected by the sidewalk width changes.  
(Public Works Department)

9/30/2003, RECEIVED AND ASSIGNED to Land Use Committee.

**031697 [Settlement of Lawsuit]**

Ordinance authorizing settlement of the lawsuit filed by Lynn Andrews against the City and County of San Francisco for \$75,000; the lawsuit was filed on July 18, 2002 in San Francisco Superior Court, Case No. 410-430; entitled Lynn Andrews v. City and County of San Francisco, et al.  
(City Attorney)  
(Public Benefit Recipient.)

10/9/2003, RECEIVED AND ASSIGNED to Rules Committee.

**031690 [Settlement Of Lawsuit]**

Ordinance authorizing settlement of the lawsuit filed by Restore Hetch Hetchy against the City and County of San Francisco for \$1,700.00; the lawsuit was filed on July 24, 2003 in San Francisco Superior Court, Case No. 503-306; entitled Restore Hetch Hetchy v. San Francisco Board of Supervisors et al.; other material terms of said settlement are that the City and County of San Francisco and San Francisco Public Utilities Commission agree to remain neutral on Petitioner's efforts to seek funding for preparation of a study assessing the feasibility of restoring the Hetch Hetchy Valley. The San Francisco Public Utilities Commission reserves the right to comment on any restrictions, requirements or regulations that would be imposed on the Department by a funding source as a prerequisite to the appropriation of those funds.  
(City Attorney)

10/10/2003, RECEIVED AND ASSIGNED to Rules Committee.

## **PROPOSED RESOLUTIONS**

*Proposed resolutions received from September 30, 2003 through October 10, 2003, for reference by President to appropriate committee on October 21, 2003.*

**031662 [Settlement of Claim]**

Resolution approving the settlement of the unlitigated claim filed by Fireman's Fund Insurance Company and Richard Dennes against the City and County of San Francisco.  
(Public Benefit Recipient.)

10/3/2003, RECEIVED AND ASSIGNED to Rules Committee.

**031691 [STOP Intersections]**

Resolution designating certain intersections as "STOP" intersections.

**STOP SIGNS - ESTABLISH**

Le Conte and Meade Avenues, stopping both streets, making this intersection an All-Way STOP;  
Teddy Avenue and Alpha Street, stopping Teddy Avenue at Alpha Street, making this intersection an All-Way STOP;

Leland Avenue and Peabody Street, stopping Leland Avenue and Peabody Street, making this uncontrolled T-intersection an All-Way STOP;

Broadway and Jones Street, stopping Jones Street, making this intersection an All-Way STOP;

Benton Avenue and Genebern Way, stopping westbound Benton Avenue at Genebern Way;

26th Avenue and Moraga Street, stopping 26th Avenue, making this intersection an All-Way STOP;

25th and Mississippi Streets, stopping both streets, making this uncontrolled T-intersection an All-Way STOP;

20th Avenue and Quintara Street, stopping Quintara Street traffic at 20th Avenue, making this intersection an All-Way STOP; and

Harney Way at Alana Way and Thomas Mellon Drive, stopping eastbound Harney Way Left Turn onto Alana Way.

(Parking and Traffic Department)

9/25/03: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2692; No Public Benefit Recipient.)

10/1/2003, RECEIVED AND ASSIGNED to Land Use Committee.

## 031692 [Traffic Regulations]

Resolution enacting and rescinding traffic regulations on various streets.

## LEFT LANE MUST TURN LEFT - ESTABLISH

Paul Avenue, eastbound, at Bayshore Boulevard.

## CROSSWALK - RESCIND

Bayshore Boulevard and Oakdale Avenue, crossing Bayshore Boulevard, south side, at Oakdale Avenue.

## CROSSWALK - ESTABLISH

Bayshore Boulevard and Oakdale Avenue, crossing Bayshore Boulevard, north side.

## NO RIGHT TURN AFTER BALLPARK EVENTS EXCEPT TAXIS - RESCIND

## NO RIGHT TURN AFTER BALLPARK EVENTS - ESTABLISH

3rd Street, northbound, at Townsend Street.

## NO LEFT TURN - ESTABLISH

Woodside Avenue, eastbound, onto Youth Guidance Center/Laguna Honda Hospital access road.

## NO LEFT TURN - ESTABLISH

Woodside Avenue, westbound, onto Idora Avenue.

## CROSSWALK - RESCIND

Crossing Woodside Avenue, west side, at Idora Avenue.

## CROSSWALK - RESCIND

Crossing Woodside Avenue, east side, at the Youth Guidance Center/Laguna Honda access road.

## NO LEFT TURN, 7:00 AM to 9:00 AM AND 4:00 PM TO 6:00 PM, EXCEPT SATURDAY AND SUNDAY - RESCIND

## NO LEFT TURN - ESTABLISH

Judah Street, westbound at 17th Avenue.

(Parking and Traffic Department)

Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2692; No Public Benefit Recipient.)

10/1/2003, RECEIVED AND ASSIGNED to Land Use Committee.

**031693 [Parking Regulations]**

Resolution enacting and rescinding parking regulations at various locations.

RESIDENTIAL PERMIT PARKING AREA "N" (2-HOUR TIME LIMIT, 9 AM - 6 PM,  
MONDAY THROUGH FRIDAY) - ESTABLISH  
Funston Avenue, west side, between California and Clement Streets (200 block).

RESIDENTIAL PERMIT PARKING AREA "H" (2-HOUR TIME LIMIT, 8 AM - 6 PM,  
MONDAY THROUGH FRIDAY) - ESTABLISH  
Sloat Boulevard, south side, from 20th Avenue to 100 feet easterly (300 block); and  
20th Avenue, both sides, between Sloat Boulevard and Ocean Avenue (2900 block).

UNMETERED MOTORCYCLE PARKING - ESTABLISH  
Fulton Street, south side, at 6th Avenue (accommodates 3 unmetered parking spaces).

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH  
States Street, north side, from Corona Heights Playground to a point 26 feet westerly.  
(9/25/03: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and  
parking regulations where such changes do not establish a higher speed limit or result in more than a  
negligible increase in the use of the street; DPW Order No. 2692; No Public Benefit Recipient.)

10/1/2003, RECEIVED AND ASSIGNED to Land Use Committee.

**031696 [Lease of Property]**

Resolution authorizing a 25-year Lease of San Francisco Public Utilities Land between the City and  
County of San Francisco and Sunol Valley Golf & Recreation Co., in Alameda County.  
(Public Utilities Commission)  
(Public Benefit Recipient.)

10/1/2003, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031698 [Approval of the Amended Ground Lease for the Rincon Park Restaurants Project]**

Resolution approving the Amended Ground Lease between the Port Commission and JMA  
Waterfront Properties, LLC, a Delaware limited liability company, for the Rincon Park Restaurants  
Project, located on The Embarcadero between Howard and Folsom Streets, for a total term, including  
renewal options, of sixty years.  
(Port)  
(Public Benefit Recipient.)

10/3/2003, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031716 [Airport Lease Disposition and Development Agreement and Lease]**

Resolution approving the Lease Disposition and Development Agreement and Lease of Plot 9 between Airis SFO, LLC and the City and County of San Francisco, acting by and through its Airport Commission.

(Airport Commission)

(No Public Benefit Recipient.)

10/10/2003, RECEIVED AND ASSIGNED to Finance and Audits Committee.



**031737 [Petitions and Communications]**

Petitions and Communications received from September 30, 2003 through October 14, 2003, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on October 21, 2003.

From Luce, Forward, Hamilton & Scripps LLP, withdrawing appeal of categorical exemption for the acquisition of property located at 701 Lombard Street. Copy: Each Supervisor, 3 letters (1)

From Brian O'Flynn, withdrawing appeal of categorical exemption from the California Environmental Act regarding proposed acquisition of property located at 701 Lombard Street for use as public space. (2)

From Department of Parking and Traffic, regarding traffic safety at the crosswalk on Phelan Avenue between Archbishop Riordan High School and City College of San Francisco. (Reference Nos. 031256 and 031257) Copy: Supervisors Hall, Dufty, Ma, and Newsom (3)

From Department of Human Resources, regarding beverage and snack vending usage and preferences for City departments. (Reference No. 20030923-15) Copy: Supervisor Peskin (4)

From Employees' Retirement System, regarding beverage and snack vending usage and preferences for City departments. (Reference No. 20030923-048) Copy: Supervisor Peskin (5)

From SF Housing Authority, regarding the feasibility of developing more affordable housing units for low-income residents of San Francisco. (6)

From Department of Public Works, regarding the launching of a Graffiti Abatement Outreach and Volunteer Program. (7)

From Planning Department, submitting notice that proposed ordinance that defines and regulates formula retail use, and prohibit formula retail uses in the Hayes-Gough Neighborhood Commercial District is under environmental review. Copy: Each Supervisor (8)

From Office of the City Attorney, regarding beverage and snack vending usage and preferences for City departments. Copy: Supervisor Peskin (9)

From Fra Kepler Korn, submitting request to exchange a type 47 liquor license to a type 48 liquor license for "The Ace SF" located at 312 Harriet Street. File 031661 (10)

From Department of Building Inspection, regarding beverage and snack vending usage and preferences for City departments. (Reference No. 20030923-030) Copy: Supervisor Peskin (11)

From Department of the Environment, regarding beverage and snack vending usage and preferences for City departments. (Reference No. 20030923-012) Copy: Supervisor Peskin (12)

From Department of Elections, regarding the October 7, 2003 Statewide Special Election. Copy: Each Supervisor (13)

From concerned citizens, submitting opposition to proposed legislation regarding Secondary Units and to the revision of the Housing Element of the City's General Plan. (14)

From Superior Court, regarding beverage and snack vending usage and preferences for City departments. (Reference No. 20030923-010) Copy: Supervisor Peskin (15)

From Office of the Legislative Analyst, submitting report on the best practices of other local jurisdictions with regard to dealing with the problem of serial inebriation in public and evaluating the effectiveness of such programs in reducing the incidence of repeated public inebriation by the same

persons. Copy: Supervisor McGoldrick (16)

From Superior Court, regarding posting responses to the Civil Grand Jury reports on the Web. (17)

From Mayor's Office of Criminal Justice, regarding beverage and snack vending usage and preferences for City departments. (Reference No. 20030923-061) Copy: Supervisor Peskin (18)

From Budget Analyst, submitting activity status report for the quarter ending September 30, 2003. (19)

From Peter Warfield, regarding letter to the Bay Guardian (10/1/03) concerning serious risks to privacy of the RFID technology at the San Francisco Public Library. (20)

From State Board of Equalization, regarding the proposed amendments to the Rules of Practice received in response to the September 2, 2003 meeting. (21)

From Public Library, regarding the joint use cooperative agreement between the Public Library and the Unified School District. (22)

From Department of Human Resources, submitting the Management Classification and Compensation Plan Quarterly Report and the classification process for IFPTE Local 21 Special Assistant positions. (23)

From Rainbow Coalition for Commonalties and Cablinasians, submitting support for Proposition 54 on the October 7, 2003 Statewide Special Election. Copy: Each Supervisor (24)

From concerned citizens, urging the Board to revisit the issue of the Heritage and Freedom Flag of Vietnamese Americans. (25)

From Planning Department, submitting notice that the budget is adequate for the department to meet service levels as proposed by the Board of Supervisors, and modified by the Planning Commission on September 25, 2003 in response to the Board's budget reduction. (26)

From Carol Antraccoli, submitting his concern with the lack of sidewalk on Alemany Blvd. between Trumbull and Congdon Streets. (27)

From concerned citizens, submitting support for proposed ordinance authorizing an agreement to exchange vacant land uphill from Edgehill Park for the City's property on Portola Drive. (28)

From O.L. McGrew, commenting on various topics affecting the City and County of San Francisco. Copy: Each Supervisor (29)

From Lydia Patubo, submitting support for proposed resolution-opposing cat declawing. File 031591 (30)

From Mental Health Board, submitting resolution in support of the newly developed Behavioral Health Court. (31)

From Cecilia Populus, urging the Board to investigate the mandatory "membership fee" required by all producers at Public Access Station Channel 29. (32)

From SFPUC, submitting request for waiver of Chapters 12B and 12C of the Administrative Code for San Francisco Mini Storage. (33)

From Charles Rachlis, submitting opposition to naming a new elementary school being built in the Sunset District, Diane Feinstein Elementary School. (34)

From Department of Human Resources, submitting report regarding employees affected by layoff, layoff notices served and employees retained. (Reference No. 20030819-002) Copy: Supervisor Newsom (35)

From Office of the Controller, submitting report on health benefits for taxi drivers. File 020678. Copy: Each Supervisor (36)

From Russell and Linda Moll, requesting the Board of Supervisors initiate a special investigation into why their 18-year-old son was shot by undercover police (on 2/19/03) on Nineteenth Avenue. Copy: Each Supervisor (37)

From Office of the Controller, submitting schedules of operating and project transfers that have exceeded 10% for fiscal year 2002-03. Copy: Each Supervisor (38)

From Budget Analyst, regarding beverage and snack vending usage and preferences for City departments. (Reference No. 20030923-62) Copy: Supervisor Peskin (39)

From Mirna Escobar, commenting on various topics. (40)

From Civil Service Commission, regarding beverage and snack vending usage and preferences for City departments. (Reference No. 20030923-024) Copy: Supervisor Peskin (41)

From Department of Public Works, submitting copy of letter sent to constituent regarding minor sidewalk encroachments for 96 Alpha Avenue and 3314-3316 Folsom Street. (42)

From concerned citizens, submitting opposition to the annual Fleet Week Celebration. (43)

From Gladstone & Associates, submitting transcript of the motion made by Supervisor McGoldrick regarding the proposed hotel at 2026 Lombard Street. File 031625, Copy: Each Supervisor (44)

From Law Offices of Stephen Williams, regarding proposed amendment to the Conditional Use Appeal for 2026 Lombard Street. File 031625, Copy: Each Supervisor (45)

From Ethics Commission, submitting summary report of campaign consultant activity for the third quarter June 1, 2003 through August 31, 2003. (46)

From Ethics Commission, submitting report of earnings and activity of campaign consultants registered with the City from June 1, 2003 through August 31, 2003. (47)

From Airport, regarding beverage and snack vending usage and preferences for City departments. (Reference No. 20030923-023) Copy: Supervisor Peskin (48)

From Controller, regarding beverage and snack vending usage and preferences for City departments. (Reference No. 20030923-031) Copy: Supervisor Peskin (49)

From Law Library, regarding beverage and snack vending usage and preferences for City departments. (Reference No. 20030923-006) Copy: Supervisor Peskin (50)

From Ethics Commission, regarding beverage and snack vending usage and preferences for City departments. (Reference No. 20030923-021) Copy: Supervisor Peskin (51)

From Department of Human Services, regarding beverage and snack vending usage and preferences for City departments. (Reference No. 20030923-056) Copy: Supervisor Peskin (52)

From Office of the Sheriff, submitting the annual report of inmate welfare fund expenditures for the fiscal year ending June 30, 2003. (53)

From Nicholas Parham, submitting opposition to development of high rise buildings of over 250 feet along San Francisco's Embarcadero/Bay Bridge area. File 031633 (54)

From Office of the Legislative Analyst, submitting report that compares and contrast the laws, regulations and policies of San Francisco, Seattle and New York City for facilitating mass protests. Copy: Supervisor Hall (55)

From Office of the Controller, submitting notice that all City Departments have certified that the funding provided in the budget as adopted by the Board of Supervisors is or is not adequate for their department to meet service levels and operations proposed for fiscal year 2003-04. Copy: Each Supervisor (56)

From Housing Authority, regarding beverage and snack vending usage and preferences for City departments. (Reference No. 20030923-017) Copy: Supervisor Peskin (57)

From Housing Authority, regarding false press reports that have inferred that the Housing Authority intends to sell or dispose of land and move tenants. Copy: Each Supervisor (58)

From Union Square Business Improvement District, submitting report regarding management plan for Union Square Business Improvement District. File 031277, Copy: Each Supervisor (59)

From Planning Department, submitting notice that proposed ordinance regarding large-scale retail controls is exempt from environmental review. File 031463 (60)

From Department of Public Health, notifying the Board of a federal grant line item budget revision in excess of 15% requiring funding agency approval. File 001584 (61)

From Stephanie Norwood, submitting opposition to sponsorship of the Ringling Brothers Circus or any other circus in San Francisco. (62)

From Emily Drennen, submitting opposition to the freeway ramp of the Central Freeway being rebuilt. Copy: Each Supervisor (63)

From Wil T, submitting opposition to anyone that does not have command of the English language serving on a jury. (64)

From Comcast Cable, announcing that Comcast Cable has partnered with local schools and community organizations for a massive campus clean up effort at K-12 schools throughout the Bay Area. (65)

From Fernando & Martha Banaria, requesting that left turns not be allowed at the corner of Mission and Persia Streets because of the high density of pedestrian foot traffic and accidents that have occurred there. (66)

From various signators, submitting Form 700 Statement of Economic Interest: Jim Dorenkott, Gabriela Barragan (67)

APPOINTMENT BY THE MAYOR  
Environment Commission  
Paul Pelosi, Jr.

## ADJOURNMENT

### Legislation Pending Under the "30 Day Rule"

These items may not be heard by Committee until the date in the right hand column.

As Revised

October 17, 2003

Rule 5.40 provides that when an ordinance or resolution is introduced which would **create or revise major city policy**, the committee to which the legislation is assigned shall not consider the legislation until at least thirty days after the date of introduction. The provisions of this rule shall not apply to the routine operations of the departments of the City or when a legal time limit controls the hearing timing. In general the rule shall not apply to hearings to consider subject matter when no legislation has been presented, nor shall the rule apply to resolutions which simply **urge** action to be taken.

Charter Amendment appointment of a City Engineer.	031560	Rules Committee	Supervisor Ammiano	9/23/03	10/23/03
Charter Amendment Section San Francisco Department of Health – Repeal 4.110 and add Article VIIIC provide additional increase the autonomy and fiscal authority to the Health Commission	031567	Rules Committee	Supervisor Daly	9/23/03	10/23/03
Draft Ordinance post – employment restrictions for former City Employees	031655	Rules Committee	Supervisor Newsom	9/30/03	10/30/03
Draft Ordinance campaign consultants lobbying current and former clients	031656	Rules Committee	Supervisor Newsom	9/30/03	10/30/03
Ordinance regarding distribution of literature by a residential tenant in a building to other tenants in the building, regarding matters of common interest or concern to the tenancies.	031701	Land Use Committee	Supervisor Peskin	10/7/03	11/7/03

Board of Supervisors  
City and County of San Francisco  
1 Dr. Carlton B. Goodlett Place-Room 244  
San Francisco, CA 94102-4689





# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO AGENDA



DOCUMENTS DEPT

OCT 24 2003

SAN FRANCISCO  
PUBLIC LIBRARY

10-24-03 A08:50 PM

Legislative Chamber - Second Floor  
City Hall, 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

Tuesday, October 28, 2003 2:00 PM

## Regular Meeting

MATT GONZALEZ, PRESIDENT  
TOM AMMIANO, CHRIS DALY, BEVAN DUFTY, TONY HALL,  
FIONA MA, SOPHIE MAXWELL, JAKE MCGOLDRICK,  
GAVIN NEWSOM, AARON PESKIN, GERARDO SANDOVAL

Gloria L. Young, Clerk of the Board

Agendas of the Board of Supervisors are available on the internet at [www.ci.sf.ca.us/bdsuprvr](http://www.ci.sf.ca.us/bdsuprvr)

## BOARD COMMITTEES

### Committee Membership

#### **Budget Committee**

Supervisors Daly, Maxwell, Peskin

#### **City and School District Select Committee**

Supervisors Maxwell, Ammiano, Ma, Commissioners Cruz, Sanchez, Kelly

#### **City Services Committee**

Supervisors Dufty, Ma, Newsom

#### **Finance and Audits Committee**

Supervisors Peskin, Sandoval, McGoldrick

#### **Land Use Committee**

Supervisors McGoldrick, Maxwell, Ammiano

#### **Rules Committee**

Supervisors Hall, Dufty, Gonzalez

### Meeting Days

Thursday

1:00 PM

2nd Monday, bi-monthly

4:00 PM

Thursday

9:30 AM

Wednesday

12:30 PM

Monday

1:00 PM

Wednesday

9:30 AM

## Board Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4) standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

Agenda are available on the internet at [www.sfgov.org/bdsupvrs.bos.htm](http://www.sfgov.org/bdsupvrs.bos.htm).

THE AGENDA PACKET IS AVAILABLE AT CITY HALL, ROOM 244, RECEPTION DESK.

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 557-4293.

Results of each Board meeting can be obtained about a half hour after the end of the meeting by telephoning (415) 554-5555.

Requests for language translation at a meeting must be received no later than noon the Friday before the meeting. Contact Ohn Myint at (415) 554-7704.

AVISO EN ESPAÑOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

**翻譯 必須在會議前最少四十八小時提出要求**  
**請電 (415) 554-7701**

## Disability Access

The Legislative Chamber of the Board of Supervisors is in Room 250 of City Hall, 1 Dr. Carlton B. Goodlett Place. The Chamber is wheelchair accessible.

The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex.

All meetings are real-time captioned and are cablecast open-captioned on SF Cable 26.

The following services are available when requests are made by 4:00 p.m. of the Friday before the Board meeting. This advance notice will help ensure availability.

· For American Sign Language interpreters or use of a reader during a meeting, contact Ohn Myint at (415) 554-7704.

· For a large print copy of agenda or minutes in alternative formats, contact Annette Lonich at (415) 554-7706.

Assistive listening devices are available from the receptionist in the Clerk of the Board's Office, Room 244, prior to the meeting.

The Clerk of the Board's Office TTY number is (415) 554-5227.

In order to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

### **Know Your Rights Under the Sunshine Ordinance**

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Donna Hall by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at [Donna.Hall@sfgov.org](mailto:Donna.Hall@sfgov.org)

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Ms. Hall or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine.htm>

### **Lobbyist Registration and Reporting Requirements**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site [www.sfgov.org/ethics](http://www.sfgov.org/ethics)

## ROLL CALL AND PLEDGE OF ALLEGIANCE

## AGENDA CHANGES

## COMMUNICATIONS

*Note: Each item on the Consent or Regular agenda may include the following documents:*

- 1) Legislanon*
- 2) Budget Analyst report*
- 3) Legislative Analyst report*
- 4) Department or Agency cover letter and/or report*
- 5) Public correspondence*

*These items will be available for review at City Hall, Room 244, Reception Desk.*

## CONSENT AGENDA

*All matters listed hereunder constitute a Consent Agenda, are considered to be routine by the Board of Supervisors and will be acted upon by a single roll call vote of the Board. There will be no separate discussion of these items unless a member of the Board so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.*

### Items 1 through 6

### Recommendations of the Rules Committee

*Present: Supervisors Hall, Duffy, Gonzalez*

1. 031736 [Appointment]  
Resolution appointing Joe LaTorre, term ending December 22, 2003 to the Lead Hazard Reduction Citizens Advisory Committee. Residency requirement waived.  
Joe LaTorre, residency requirement waived, succeeding Linda Salas, resigned, Seat No. 6, must be a representative involved in housing and community development issues from the Mayor's Office, for the unexpired portion of a four-year term ending December 22, 2003.

**Question: Shall this Resolution be ADOPTED?**

2.       **031642**    **[Settlement of Lawsuit - Marie Lavin]**  
Ordinance authorizing settlement of the lawsuit filed by Marie Lavin against the City and County of San Francisco for \$200,000; the lawsuit was filed on December 5, 2001, in the San Francisco Superior Court, Case No. 402019, entitled Marie Lavin v. City and County of San Francisco, Adult Probation Department.  
          (City Attorney)  
          (Public Benefit Recipient.)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

**Recommendations of the Finance and Audits Committee**

*Present: Supervisors Peskin, McGoldrick*

3.       **031658**    **[Appropriate State and Federal funding for the CalWORKs, Medi-Cal, IHSS and Foster Care programs]**  
Mayor  
Ordinance appropriating \$2,399,795 of CalWORKs, Medi-Cal, IHSS and Foster Care funding to fill 28.67 vacant FTEs including deletion of 9.38 FTEs and creation of 9.38 FTEs, purchase one-time materials and supplies, and provide stipends to emancipated foster youth for the Department of Human Services and amending Annual Salary Ordinance for Fiscal Year 2003-04.  
          (Mayor)  
          (Fiscal impact; No Public Benefit Recipient.)

10/21/2003, PASSED ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

*Present: Supervisors Peskin, Sandoval, McGoldrick*

4. 031659 [Public Employment]  
Ordinance amending Ordinance No. 171-01 (Annual Salary Ordinance 2003/04) reflecting the abolishment of 14 positions (9.38 FTEs) and the creation of 14 positions (9.38 FTEs) at the Department of Human Services.  
(Human Resources Department)  
(Fiscal impact; No Public Benefit Recipient.)

10/21/2003, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

### Recommendation of the Land Use Committee

*Present: Supervisors McGoldrick, Maxwell, Ammiano*

5. 031608 [Taxicab Gate Fees]  
Supervisor Hall  
Ordinance amending Section 1135.1 of the Police Code to provide for extending to March 1, 2004 the time for sunseting the higher cap on taxicab gate fees if the City fails to enact an ordinance prescribing a long-term lease fee cap covering long-term lease drivers and an ordinance establishing a program of health insurance/health benefits for taxi drivers; and to authorize the Board of Supervisors by resolution to extend the times provided for in Section 1135.1 for sunseting the higher gate fee cap.

10/21/2003, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

### Recommendation of the Rules Committee

*Present: Supervisors Hall, Duffy, Gonzalez*

6. 031457 [Introducing General Obligation Bond proposals 168 days before election]  
Supervisor Gonzalez  
Ordinance amending Section 2.31 of the Administrative Code to require that resolutions of necessity for proposed general obligation bonds must be introduced at the Board of Supervisors not less than 168 days before the election at which the voters could consider the proposed bond measure, rather than 169 days before the election.

10/21/2003, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

*Questions on the Consent Agenda are on final passage, first reading, or adoption, as indicated: \_\_\_\_\_*

## REGULAR AGENDA

## UNFINISHED BUSINESS

### From the Clerk

7.        031762    [Adopting findings related to the appeal of the CEQA exemption determination by the Planning Department for 701 Lombard]  
Motion adopting findings related to the appeal of the determination by the Planning Department that the acquisition of 701 Lombard Street was exempt from the California Environmental Quality Act.  
(Companion measure to Files 031686, 031687, 031688, 031689.)

10/22/2003, REFERRED to Board of Supervisors.

Question: Shall this Motion be ADOPTED?

### Recommendation of the Finance and Audits Committee

*Present: Supervisors Peskin, McGoldrick*

8.        030869    [Tobacco Sales Permit]  
Supervisors Maxwell, Ammiano, Daly, Dufty, McGoldrick, Sandoval  
Ordinance amending the San Francisco Health Code by adding Article 19H to require a permit for tobacco sales and amending the San Francisco Business and Tax Regulations Code by adding section 249.16 to set the fee for the tobacco sales permit.

10/21/2003, PASSED ON FIRST READING. Supervisor Sandoval requested to be added as a co-sponsor.

Question: Shall this Ordinance be FINALLY PASSED?

## NEW BUSINESS

### Recommendations of the Finance and Audits Committee

*Present: Supervisors Peskin, Sandoval, McGoldrick*

9. 031517 [Agreement to Sell 418-420 Jessie Street]  
Resolution approving and authorizing an agreement with Martin McNerney Development, Inc. dba Martin Building Company, Inc. for the sale of real property consisting of a former fire station on the first and second floors and vacant warehouse space on the upper six floors, for a purchase price of \$2,900,000; finding that competitive bidding is impractical or impossible; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution.  
(Real Estate Department)  
(Public Benefit Recipient.)
- Question: Shall this Resolution be ADOPTED?
10. 031514 [Authorizing transfer of funds and management oversight from DPW to MOCDD]  
Supervisor Gonzalez  
Resolution authorizing transfer of management oversight of two City accessibility projects from the Mayor's Office of Disability and the Health Department to the Mayor's Office of Community Development for inclusion in City's CDBG Program in order to satisfy HUD's demand for City reimbursement relating to the improper use by the Third Street Economic Development Corporation of \$51,706 in grant funds at 5048 Third Street.
- 9/16/2003, REFERRED to Finance and Audits Committee.  
10/21/2003, SUBSTITUTED. Supervisor Gonzalez submitted a substitute resolution bearing new title.
- Question: Shall this Resolution be ADOPTED?
11. 031538 [Contracting out Airport Employee Parking Services]  
Resolution approving the Controller's certification that Employee Parking Management Services for San Francisco International Airport can practically be performed by private contractor at a lower cost than if work were performed by city employees at budgeted levels.  
(Airport Commission)  
(Fiscal impact; Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?



12. 031539 [Contracting out Airport Public Parking Management Services]  
Resolution approving the Controller's certification that Airport Public Parking Management Services for San Francisco International Airport can practically be performed by private contractor at a lower cost than if work were performed by city employees at budgeted levels.  
(Airport Commission)  
(Fiscal impact; Public Benefit Recipient)

Question: Shall this Resolution be ADOPTED?

### **Recommendations of the Rules Committee**

*Present: Supervisors Hall, Duffy, Gonzalez*

13. 031734 [Appointment - California State Association of Counties]  
Resolution appointing Supervisor Jake McGoldrick, term ending November 28, 2004, to the California State Association of Counties Board of Directors.

Question: Shall this Resolution be ADOPTED?

14. 031735 [Appointment - California State Association of Counties]  
Resolution appointing Supervisor Gerardo Sandoval, term ending November 28, 2004, as an alternate member to the California State Association of Counties Board of Directors.

Question: Shall this Resolution be ADOPTED?

### **Recommendation of the Rules Committee "Do Submit"**

*(Pursuant to the provisions of Rule 2.28.7 of the Board's Rules of Order, at least six days must intervene between the first appearance of a proposed Charter amendment before the Board as a referral from committee and any Board order of submission to the electorate. In accordance therewith consideration of the following proposed Charter amendment appropriately may be continued at least one week.)*

*Present: Supervisors Hall, Duffy, Gonzalez*

15. 031778 [Charter Amendment - Supplemental Compensation for Employees on Military Leave]  
Supervisor Newsom  
Charter amendment (First Draft) to amend Section A8.400 (h) to allow for employees called to active duty to receive supplemental compensation for a period to be specified by ordinance.

Question: Shall this Charter Amendment be SUBMITTED?

## From the Rules Committee "Without Recommendation"

*Present Supervisors Hall, Duffy*

16. 031405 [Charter Amendment - Establishing a Public Education Fund]  
Supervisors Ammiano, Duffy, Daly  
Charter amendment (Third Draft) to add Sections 16.123-1 through 16.123-10, to establish a Public Education Enrichment Fund.  
(Fiscal impact.)

9/30/2003, SUBSTITUTED. Supervisor Ammiano submitted a substitute Charter amendment bearing new title.

10/7/2003, SUBSTITUTED. Supervisor Ammiano submitted a substitute Charter amendment bearing same title.

Question: Shall this Charter Amendment be SUBMITTED?

## **SPECIAL ORDER 4:00 P.M.**

### *APPEAL PROCEDURES*

*Board Rule 4.29 provides that public hearings on appeals shall be scheduled for 4pm. If more than one public hearing is scheduled, then the Clerk, in consultation with the President, may determine the order in which the appeals will be scheduled. Second and later appeals may be scheduled at specified times later than 4 pm. An appeal shall not be heard prior to its scheduled time on the calendar, and it may not be called until the Board's consideration of appeals scheduled earlier on the calendar is completed. It is the policy of the Clerk of the Board to schedule multiple appeals in the following order at 4pm:*

- 1. Appeals where all parties have agreed to request a continuance or a tabling of the appeal.*
- 2. Continued appeals from previous Board meetings (continued appeals will be listed in order of those closest to deadlines for Board decision).*
- 3. Appeals appearing on the calendar for the first time, in chronological order of receipt by the Clerk.*
- 4. Multiple appeals appearing on the calendar may be staggered at times specific, beginning at 4pm.*
- 5. Appeals involving participants who have ADA considerations may be set for specific times beginning at 4pm*

17. 031636 [Public Hearing - Appeal, Conditional Use - 5630-38 Mission Street]  
Hearing of persons interested in or objecting to the decision of Planning Commission by its Motion No. 16639 dated August 28, 2003, approving Conditional Use Application No. 2003.0376C pursuant to Section 711.83 of the Planning Code, and subject to certain conditions, to allow the installation of six (6) panel antennas and one (1) GPS antenna on the rooftop and associated equipment cabinets within the storage room of the Mission Inn Motel, as part of a wireless telecommunications network operated by Verizon Wireless in a NC-2 (Small-Scale Neighborhood Commercial District), and a 40-X-Height and Bulk District, on property located at 5630-38 Mission Street, between Naglee and Whipple Avenues; Lot 012, in Assessor's Block 7098.  
(Appeal filed September 25, 2003; categorically exempt from the environmental review process pursuant to Class 1 exemptions of Title 14 of the California Administrative Code; companion measure to Files 031637, 031638, 031639; District 11.)

10/21/2003, CONTINUED. Continued to October 28, 2003

Action: \_\_\_\_\_

### **From the Clerk**

#### **(Only one of the following two motions should be adopted.)**

18. 031637 [Appeal, Conditional Use, 5630-38 Mission Street]  
Motion approving decision of the Planning Commission by its Motion No. 16639 approving Conditional Use Application No. 2003.0376C, on property located at 5630-38 Mission Street, and adopting findings pursuant to Planning Code Section 101.1.  
(Clerk of the Board)  
  
10/21/2003, CONTINUED. Continued to October 28, 2003  
**Question: Shall this Motion be ADOPTED?**
19. 031638 [Appeal, Conditional Use, 5630-38 Mission Street]  
Motion disapproving decision of the Planning Commission by its Motion No. 16639 approving Conditional Use Application No. 2003.0376C, on property located at 5630-38 Mission Street, and adopting findings pursuant to Planning Code Section 101.1.  
(Clerk of the Board)  
  
10/21/2003, CONTINUED. Continued to October 28, 2003  
**Question: Shall this Motion be ADOPTED?**
20. 031639 [Findings - 5630-38 Mission Street]  
Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2003.0376C, on property located at 5630-38 Mission Street, for action by the Board at its next meeting.  
(Clerk of the Board)  
  
10/21/2003, CONTINUED. Continued to October 28, 2003  
**Question: Shall this Motion be ADOPTED?**

*Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the conditional use application decision described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.*

## COMMITTEE REPORTS

*Reports from committees, if any, recommending emergency or urgent measures.*

### From the City Services Committee

*The following items will be considered by the City Services Committee at a Regular Meeting on Thursday, October 23, 2003 at 9:30 a.m. The Chair intends to request the Committee to send the following items to the Board as a committee report.*

21.      031711    [Supporting European Union Efforts to Regulate Hazardous Chemicals]  
Supervisors McGoldrick, Ma  
Resolution supporting efforts in the European Union to institute an effective new policy for regulating hazardous chemicals.

Question: Shall this Resolution be ADOPTED?

## 22. ROLL CALL FOR INTRODUCTIONS

*Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, letters of request to the City Attorney and Board Members' reports on their regional body activities.*

## 23. PUBLIC COMMENT

*An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes.*

## APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

*These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.*

24. 031749 [Legislative Analyst Request - Practices and policies for processing invoices and payments on City contracts]  
Supervisors Ma, Maxwell  
Motion requesting the Office of the Legislative Analyst (OLA) to compare and contrast San Francisco's current practices and policies for processing invoices and payments on City contracts to model municipalities (cities and/or counties), the State of California, and the San Francisco International Airport. In addition, the OLA should review and consider the feasibility of implementing a successful system in San Francisco.
- Question: Shall this Motion be ADOPTED?
25. 031750 [Legislative Analyst Request - Cable Franchises]  
Supervisor Sandoval  
Motion requesting the Legislative Analyst to survey other major cities such as Berkeley and Santa Cruz to find out whether they have used outside contractors or consultants to negotiate cable franchises. Also requesting the Legislative Analyst to consult with the Department of Telecommunication and Information Services, Zane Blaney of AccessSF, and Office of Supervisor Sandoval for the report and to deliver this report by November 14, 2003.
- Question: Shall this Motion be ADOPTED?
26. 031751 [Legislative Analyst Request - Homebuyer assistance]  
Supervisor Sandoval  
Motion requesting the Legislative Analyst to survey other jurisdictions regarding down payment assistance programs for first time homebuyers and to consult with the City Attorney's Office and the Mayor's Office of Housing regarding the feasibility and effectiveness of a down payment assistance program. Also requesting the Legislative Analyst to evaluate current homebuyer assistance programs and deliver report by November 14, 2003.
- Question: Shall this Motion be ADOPTED?

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

*These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.*

### Items 27 through 36

27. 031752 [Congratulating the Judah L. Magnes Museum]  
Supervisor Sandoval  
Resolution congratulating the Judah L. Magnes Museum on their 40th Anniversary.
- 10/22/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?

28. 031753 [Authorize the City and County of San Francisco's application to host the United Nations' World Environment Day 2005]  
**Supervisor Dufty**  
Resolution authorizing San Francisco to apply to host United Nations' World Environment Day celebrations in 2005 and, if selected, designating SF Environment to work with other City departments to coordinate a host committee that will ensure the programmatic, financial, and educational success of the event.
- 10/21/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
29. 031754 [Zoning - Extension of Planning Commission Review Period]  
**Supervisor Gonzalez**  
Resolution extending the prescribed time within which the Planning Commission may render its decision on a proposed ordinance to amend the Planning Code to require that all retail uses in C-2, C-M, M-1, M-2, RSD, SLR, SLI, SSO, and SPD zoning districts which are 50,000 square feet or larger may only be permitted as conditional uses.
- 10/21/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
30. 031755 [Humanities West Day]  
**Supervisor Ma**  
Resolution declaring November 21, 2003 to be "Humanities West Day" in the City and County of San Francisco.
- 10/21/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
31. 031756 [Robert Louis Stevenson Elementary School Day]  
**Supervisor Ma**  
Resolution declaring November 13, 2003 to be "Robert Louis Stevenson Elementary School Day" in the City and County of San Francisco.
- 10/21/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
32. 031757 [Exemption from Requirement that Ambulances Carry Spare Tire and Jack]  
**Supervisor Ma**  
Resolution authorizing the San Francisco Fire Department to be exempt from California Code of Regulations Title 13, Division 2, Chapter 5, Article 1, Section 1103(e) and (f), requiring ambulances to carry spare tire and jack.
- 10/21/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?

33. 000 /58 [Commending Kathleen Vasquez]  
Supervisor Maxwell  
Resolution commending Kathleen Vasquez for winning the Milken National Educator's Award.  
  
10/21/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
**Question: Shall this Resolution be ADOPTED?**
34. 031759 [Urging U.S. Senators Dianne Feinstein and Barbara Boxer to fully fund Section 8]  
Supervisor Ammiano  
Resolution urging U.S. Senators Dianne Feinstein and Barbara Boxer to fully fund the Section 8 voucher program, so that all current recipients may preserve their housing and those on the waiting list may receive new vouchers in the coming fiscal year.  
  
10/21/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
**Question: Shall this Resolution be ADOPTED?**
35. 031760 [Shelter Workers]  
Supervisor Ammiano  
Resolution urging the Mayor's Budget Office, in consultation with the Controller, the Director of Public Health, the Director of Human Services and the Mayor's Office of Homelessness, to identify cost-savings necessary to develop funding for employee compensation negotiations between City-funded non-profit agencies and employee bargaining units representing shelter workers.  
  
10/21/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
**Question: Shall this Resolution be ADOPTED?**
36. 031732 [Final Map for a 6 Unit Residential Condominium Project]  
Motion approving Final Map of 850 Corbett Avenue, a Residential Condominium Project, being a subdivision of Lot 7, Assessor's Block No. 2779, and adopting findings pursuant to Planning Code Section 101.1.  
(Public Works Department)  
(No Public Benefit Recipient; DPW Order No. 174,451; District 8.)  
  
10/20/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
**Question: Shall this Motion be ADOPTED?**

*Questions on the For Adoption Without Committee Reference  
Agenda:*

## 37. IMPERATIVE AGENDA

*Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s).*

*[Serious Injury Finding]*

*Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."*

*[Purely Commendatory Finding]*

*Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.*

*[Brown Act Finding]*

*Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.*

*[Imperative Resolutions, if any]*

## OFF-AGENDA LEGISLATION

### PROPOSED ORDINANCES

*Proposed ordinances received from October 14, 2003 through October 20, 2003, for reference by President to appropriate committee on October 28, 2003.*

- 031694 **[Traffic Code - Amending Section 32.1.1 to update location of Main Public Library]**  
Ordinance amending Section 32.1.1 of the San Francisco Traffic Code to update the location of parking restrictions on the blocks adjacent to the San Francisco Main Library.  
(Parking and Traffic Department)  
(No Public Benefit Recipient.)

10/1/2003, RECEIVED AND ASSIGNED to Land Use Committee.

10/15/2003, SUBSTITUTED. City Attorney submitted a substitute ordinance bearing new title.

10/15/2003, ASSIGNED to Land Use Committee.

### PROPOSED RESOLUTIONS

*Proposed resolutions received from October 14, 2003 through October 20, 2003, for reference by President to appropriate committee on October 28, 2003.*

- 031694 **[Traffic Code - Amending Section 32.1.1 to update location of Main Public Library]**  
Ordinance amending Section 32.1.1 of the San Francisco Traffic Code to update the location of parking restrictions on the blocks adjacent to the San Francisco Main Library.  
(Parking and Traffic Department)  
(No Public Benefit Recipient.)

10/1/2003, RECEIVED AND ASSIGNED to Land Use Committee.

10/15/2003, SUBSTITUTED. City Attorney submitted a substitute ordinance bearing new title.

10/15/2003, ASSIGNED to Land Use Committee.



**031721 [Research on club-drug networks among high-risk men]**

Resolution authorizing the San Francisco Department of Public Health, AIDS Office (SFDPHAIDS) to accept retroactively and expend a supplemental grant award in the amount of \$37,011 from the National Institute on Drug Abuse (NIDA) for research on club-drug networks among high-risk men and to enter into an agreement for the use of these funds; for the period of March 1, 2003 to February 29, 2004.

(Public Health Department)

(No Public Benefit Recipient.)

10/17/2003, RECEIVED AND ASSIGNED to City Services Committee.

**031730 [Public Hearing]**

Hearing of persons interested in or objecting to report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund.

(Clerk of the Board)

10/20/2003, SCHEDULED FOR PUBLIC HEARING. Scheduled for November 4, 2003.

**031731 [Report of Assessment costs for sidewalk and curb repairs - DPW Order No. 174,392]**

Resolution approving report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund.

(Public Works Department)

(No Public Benefit Recipient; DPW Order No. 174,392; Location: 690 Folsom Street.)

9/24/2003, SCHEDULED FOR PUBLIC HEARING. Scheduled for November 4, 2003.

**031726 [Amendment to Paratransit Broker Contract]**

Resolution approving Contract Amendment No. 3 to Paratransit Broker Agreement with ATC/Vancom, Inc., the City's Paratransit Broker, to increase the total amount of the Agreement to a sum not to exceed \$92,641,933, in order to meet the increased demand and costs for paratransit service during the contract period.

(Municipal Transportation Agency)

(Public Benefit Recipient.)

10/17/2003, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031727 [Street Encroachment at 151 24th Avenue]**

Resolution granting revocable permission to Edgar N. Bogas and Desiree Goyette-Bogas to occupy a portion of the public right-of-way to construct, install and maintain a portion of a new two car garage, including new concrete retaining walls, concrete stairs, concrete terrace, grading and landscaping, within the existing landscaped portion of the 24th Avenue public right-of-way, to access and provide off-street parking for the property at 151 24th Avenue (Block 1334, Lot 004) and making findings of consistency with the priority policies of Planning Code Section 101.1.

(Public Works Department)

(No Public Benefit Recipient.)

10/17/2003, RECEIVED AND ASSIGNED to Land Use Committee.

**031729 [Street Artist Winter Holiday Spaces]**

Resolution designating temporary selling spaces in the Downtown area and at Harvey Milk Plaza for street artists certified by the Arts Commission, City and County of San Francisco, for the winter holiday season, 2003, beginning on November 15, 2003 and ending on January 15, 2004.

(Arts Commission)

(No Public Benefit Recipient.)

10/16/2003, RECEIVED AND ASSIGNED to Land Use Committee.

**031779 [Petitions & Communications]**

Petitions and Communications received from October 14, 2003 through October 20, 2003, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on October 28, 2003.

From: Peter Warfield, regarding Civil Liberties Groups opposing RFID at San Francisco Public Library. 3 Letters (1)

From San Francisco Municipal Railway, reporting on beverage and snack vending machine usage and preferences at the Department. (Reference No. 20030923-034) Copy: Supervisor Peskin (2)

From Arlyn Purcell, submitting Notice of Preparation of an Environmental Impact Report, City College of San Francisco Master Plan. Copy: Each Supervisor (3)

From Jerry Moscelli, suspecting his neighbor is running a business manufacturing chemicals. (4)

From concerned citizen, concerning the number of homeless people in San Francisco. Copy: Each Supervisor (5)

From: Office of the Controller, submitting report title: The City Needs Better Information on and Improved Management of Its Sole Source Contracts Audit Number 02001, (6)

From Office of the Public Defender, reporting on beverage and snack vending machine usage and preferences at the Department. (Reference No. 20030923-004) Copy: Supervisor Peskin (7)

From Planning Department, submitting environmental review document. Copy: Each Supervisor (8)

From Human Rights Commission, reporting that the HRC does not possess a vending machine nor has staff ever expressed a desire for one. (Reference No. 20030923-025) Copy: Supervisor Peskin (9)

From Office of the Controller, reporting that the office does not need vending machines in any of their spaces. (Reference No. 20030923-028) Copy: Supervisor Peskin (10)

From Office of the Controller, submitting a report concerning the audit of the department head transitions at the San Francisco Fire Department. (11)

From Election Systems & Software, submitting an inquiry regarding the new voting system. Copy: Each Supervisor (12)

From Dr. Matthew R. Robinson, commenting on his unpleasant experience with the Department of Parking and Traffic. 2 Letters (13)

From Mitra Ghiasi, submitting letter regarding public convenience and necessity. (14)

From Department of Elections, reporting that the department does not possess or contract the use of vending machines for it personnel. (Reference No. 20030923-005) Copy: Supervisor Peskin (15)

From California Department of Fish and Game, submitting an agenda of the upcoming Wildlife Conservation Board meeting on November 18, 2003. (16)

From Pacific Gas and Electric Company, submitting a report titled Gas Franchise Fees Surcharge Adjustments. (17)

From Robert Conrad, regarding ultra low emission cabs at SFO. (18)

From Richard E. Rodes, submitting his concerns regarding the Blue Angels air spectacle in the City. (19)

From Muriel L. Parenteau, regarding funding sources for a shuttle from the BART station to the main campus from the North and South reservoirs to the main campus and among the nine campuses of City College of San Francisco. (20)

From Steven Keller, submitting interest in receiving the policies and procedures for Accessf. (21)

From Michael Sohocki, inquiring about the Pet Pride Parade web site. (22)

From Department of Consumer Assurance, reporting that the department does not contract for vending machines. (Reference No. 20030923-042) Copy: Supervisor Peskin (23)

From San Francisco War Memorial and Performing Arts Center, submitting a copy of the Vending Machine Survey. (Reference No. 20030923-039) Copy: Supervisor Peskin (24)

From Office of the Treasurer, submitting correspondence and attachments of the investment activity (for fiscal year to date) of the portfolios under management. (25)

From Human Rights Commission, submitting the Human Rights Commission's Departmental Efficiency and Customer Service Plan Fiscal Year 2003-04. Copy: Each Supervisor (26)

From Citizens Housing, submitting documents regarding the 10th and Market Street Project. Copy: Each Supervisor (27)

From Department of Public Works, responding to Supervisor Gerardo Sandoval's inquiry about the feasibility of continuing the concrete sidewalk along Alemany Boulevard between Congdon and Trumbull Streets. (Reference No. 20030916-001) Copy: Supervisor Sandoval (28)

From San Francisco Public Utilities Commission, submitting report on vending machines at the SFPUC. (Reference No. 20030923-054) Copy: Supervisor Peskin (29)

From Office of the City Attorney, regarding applicability of Administrative Code Chapter 12G to Union Square BID. Copy: Each Supervisor (30)

From Office of the Controller, submitting reports concerning the financial audits of the Statement of Cash and Investments and the financial activities of the Office of the Treasurer and Tax Collector (Treasurer) for the fiscal year ended June 30, 2003. (31)

From Wen Tuan Shen, submitting support to the decision of Planning Commission by its Motion No. 16639 dated August 28, 2003. (32)

From Department of Elections, regarding acquisition of a new voting system to implement instant runoff voting. (33)

From San Francisco Department of Public Health, submitting Quarterly AIDS Surveillance Report. (34)

From San Francisco Department of Public Health, reporting that the DPH has requested a waiver for the acquisition of repair and maintenance services for the commercial/ scientific refrigeration/ freezer units installed at the Public Health Microbiology Laboratory and at the SFGH Clinical Laboratory and Blood Bank. (35)

From Comcast, regarding upgrade in cable services and submitting legal notice on price adjustments. (36)

From Office of the Controller, submitting report concerning the financial audit of the cash revolving fund of the San Francisco General Hospital. (37)

From Bill Brennan, urging members of the Board of Supervisors to pass a resolution petitioning the State to resume its responsibility in the care and treatment of the mentally ill. Copy: Each Supervisor (38)

From Lloyd W. Schloegel, regarding new hotel under construction at Mission Street and Stewart Street at the Embarcadero. (39)

From San Francisco Fire Department, reporting that the Fire Department's Division of Training has made significant progress in further consolidating and integrating the overall training function. (40)

From Department of Parking and Traffic, responding to Supervisor Sophie Maxwell's inquiry regarding pedestrian safety in the areas adjacent to El Dorado Elementary School. (Reference No. 20030211-003) Copy: Supervisor Maxwell (41)

From Urban Water Institute, Inc., submitting a conference announcement for the Urban Water Institute's Public/ Private/ Partnerships. (42)

From Department of Parking and Traffic, responding to Supervisor Gavin Newsom's inquiry requesting a pedestrian and vehicular safety evaluation along Laurel Street, between California Street and Euclid Avenue. (Reference No. 20030916-003) Copy: Supervisor Newsom (43)

From Dave Trovato, regarding fire safety training. Copy: Each Supervisor (44)

From County Health Services Unit of Sacramento, submitting an electronic version of the Emergency Medical Services Appropriation FY 2003-2004. (45)

From Office of the Controller, submitting a summary outlining the status of the General Fund Reserve as of October 9, 2003. (46)

From concerned citizens, regarding 2000.465M Housing Element of the General Plan and 2002.0418T Secondary Units. File Nos. 030896, 021661, 021598, 020966, 020967 (6 letters) (47)

From Krystin Kuckelman, urging members of the Board of Supervisors to support in the acquisition of the "triangle" of land near the North Beach Library. File 031660 (48)

From Eduardo Bonsi, regarding the noise at the corner of Union and Taylor Street caused by the new MUNI electric bus system. Copy: Each Supervisor (49)

From Ethics Commission, regarding the Ethics Commission's screening, ethics training and policies. File No. 030585, 2 Letters (50)

From Employees' Retirement System, regarding retirement system benefits for domestic partners. File No. 031562 (51)

From Employees' Retirement System, regarding tax deferred transfer of accrued vacation, sick leave and other compensation. File No. 031547 (52)

From concerned citizen, regarding USA Banks. (53)

## ADJOURNMENT



### Legislation Pending Under the "30 Day Rule"

These items may not be heard by Committee until the date in the right hand column.

As Revised

October 23, 2003

Rule 5.40 provides that when an ordinance or resolution is introduced which would create or revise major city policy, the committee to which the legislation is assigned shall not consider the legislation until at least thirty days after the date of introduction. The provisions of this rule shall not apply to the routine operations of the departments of the City or when a legal time limit controls the hearing timing. In general the rule shall not apply to hearings to consider subject matter when no legislation has been presented, nor shall the rule apply to resolutions which simply urge action to be taken.

Draft Ordinance post – employment restrictions for former City Employees	031655	Rules Committee	Supervisor Newsom	9/30/03	10/30/03
Draft Ordinance campaign consultants lobbying current and former clients	031656	Rules Committee	Supervisor Newsom	9/30/03	10/30/03
Ordinance regarding distribution of literature by a residential tenant in a building to other tenants in the building, regarding matters of common interest or concern to the tenancies.	031701	Land Use Committee	Supervisor Peskin	10/7/03	11/7/03
Ordinance prohibiting on demolition of residential buildings with 20 or more dwelling units unless the residential building proposed for demolition requires substantial rehabilitation	031739	Land Use Committee	Supervisor Daly	10/21/03	11/21/03
Ordinance revising permit fees and planning review surcharges applicable to permits and review activities subject to review by the Board of Appeals	031747	Finance and Audits Committee	Supervisor Peskin	10/21/03	11/21/03
Ordinance restricting post-employment restrictions for former City Employees	031655	Rules Committee	Supervisor Newsom	10/21/03	11/21/03
Ordinance regarding campaign consultants lobbying current and former clients	0316456	Rules Committee	Supervisor Newsom	10/21/03	11/21/03





# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO AGENDA



Legislative Chamber - Second Floor  
City Hall, 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

Tuesday, November 4, 2003 2:00 PM

DOCUMENTS DEPT.

OCT 31 2003

SAN FRANCISCO  
PUBLIC LIBRARY

10-31-03A11:08 RCVD

## Regular Meeting

MATT GONZALEZ, PRESIDENT  
TOM AMMIANO, CHRIS DALY, BEVAN DUFTY, TONY HALL,  
FIONA MA, SOPHIE MAXWELL, JAKE MCGOLDRICK,  
GAVIN NEWSOM, AARON PESKIN, GERARDO SANDOVAL

Gloria L. Young, Clerk of the Board

Agendas of the Board of Supervisors are available on the internet at [www.ci.sf.ca.us/bdsuprvr](http://www.ci.sf.ca.us/bdsuprvr)

## BOARD COMMITTEES

### Committee Membership

#### **Budget Committee**

Supervisors Daly, Maxwell, Peskin

#### **City and School District Select Committee**

Supervisors Maxwell, Ammiano, Ma, Commissioners Cruz, Sanchez, Kelly

#### **City Services Committee**

Supervisors Dufty, Ma, Newsom

#### **Finance and Audits Committee**

Supervisors Peskin, Sandoval, McGoldrick

#### **Land Use Committee**

Supervisors McGoldrick, Maxwell, Ammiano

#### **Rules Committee**

Supervisors Hall, Dufty, Gonzalez

### Meeting Days

Thursday

1:00 PM

2nd Monday, bi-monthly

4:00 PM

Thursday

9:30 AM

Wednesday

12:30 PM

Monday

1:00 PM

Wednesday

9:30 AM

## Board Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4) standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

Agenda are available on the internet at [www.sfgov.org/bdsupvrs.bos.htm](http://www.sfgov.org/bdsupvrs.bos.htm).

THE AGENDA PACKET IS AVAILABLE AT CITY HALL, ROOM 244, RECEPTION DESK.

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 557-4293.

Results of each Board meeting can be obtained about a half hour after the end of the meeting by telephoning (415) 554-5555.

Requests for language translation at a meeting must be received no later than noon the Friday before the meeting. Contact Ohn Myint at (415) 554-7704.

AVISO EN ESPAÑOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

**翻譯 必須在會議前最少四十八小時提出要求  
請電 (415) 554-7701**

## Disability Access

The Legislative Chamber of the Board of Supervisors is in Room 250 of City Hall, 1 Dr. Carlton B. Goodlett Place. The Chamber is wheelchair accessible.

The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex.

All meetings are real-time captioned and are cablecast open-captioned on SF Cable 26.

The following services are available when requests are made by 4:00 p.m. of the Friday before the Board meeting. This advance notice will help ensure availability.

· For American Sign Language interpreters or use of a reader during a meeting, contact Ohn Myint at (415) 554-7704.

· For a large print copy of agenda or minutes in alternative formats, contact Annette Lonich at (415) 554-7706.

Assistive listening devices are available from the receptionist in the Clerk of the Board's Office, Room 244, prior to the meeting.

The Clerk of the Board's Office TTY number is (415) 554-5227.

In order to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

### **Know Your Rights Under the Sunshine Ordinance**

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Donna Hall by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at Donna.Hall@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Ms. Hall or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine.htm>

### **Lobbyist Registration and Reporting Requirements**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site [www.sfgov.org/ethics](http://www.sfgov.org/ethics)

## ROLL CALL AND PLEDGE OF ALLEGIANCE

## APPROVAL OF MEETING MINUTES

*Motion to approve the October 7, 2003 Board Minutes.*

## AGENDA CHANGES

## COMMUNICATIONS

*Note: Each item on the Consent or Regular agenda may include the following documents:*

- 1) Legislation*
- 2) Budget Analyst report*
- 3) Legislative Analyst report*
- 4) Department or Agency cover letter and/or report*
- 5) Public correspondence*

*These items will be available for review at City Hall, Room 244, Reception Desk.*

## CONSENT AGENDA

*All matters listed hereunder constitute a Consent Agenda, are considered to be routine by the Board of Supervisors and will be acted upon by a single roll call vote of the Board. There will be no separate discussion of these items unless a member of the Board so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.*

### Items 1 through 4

### Recommendations of the City Services Committee

*Present: Supervisors Dufty, Ma*

1. 031507 [Accept-Expend Grant]  
Mayor, Supervisor Dufty  
Resolution authorizing the Director of Emergency Services to accept and expend a grant in the amount of \$771,317 from the California Governor's Office of Emergency Services for emergency equipment, exercises, and planning.

Question: Shall this Resolution be ADOPTED?

**2. 031660 [Accept-Expend State Grant]****Supervisor Dufty**

Resolution authorizing the Chief of Police for the City and County of San Francisco to accept and expend grant funds made available through the Office of Traffic Safety for a project entitled California Seat Belt Compliance Campaign (CSBCC).

(Mayor)

(No Public Benefit Recipient.)

**Question: Shall this Resolution be ADOPTED?**

**3. 031712 [Accept - Expend Federal Grant]****Mayor, Supervisor Dufty**

Resolution authorizing the Mayor of the City and County of San Francisco to accept retroactively and expend a grant in the amount of \$1,173,258 from the U.S. Department of Justice, Bureau of Justice Assistance to reduce crime and increase public safety, under the FY 2003 Local Law Enforcement Block Grants Program.

(Mayor)

**Question: Shall this Resolution be ADOPTED?**

**Recommendation of the Rules Committee**

*Present: Supervisors Hall, Dufty, Gonzalez*

**4. 031642 [Settlement of Lawsuit - Marie Lavin]**

Ordinance authorizing settlement of the lawsuit filed by Marie Lavin against the City and County of San Francisco for \$200,000; the lawsuit was filed on December 5, 2001, in the San Francisco Superior Court, Case No. 402019, entitled Marie Lavin v. City and County of San Francisco, Adult Probation Department.

(City Attorney)

(Public Benefit Recipient.)

10/28/2003, PASSED, ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

*Questions on the Consent Agenda are on final passage, first reading, or adoption, as indicated: \_\_\_\_\_*

## REGULAR AGENDA

## UNFINISHED BUSINESS

### From the Rules Committee With Recommendation "Do Submit"

*Present: Supervisors Hall, Dufty, Gonzalez*

5. 031778 [Charter Amendment - Supplemental Compensation for Employees on Military Leave]  
Supervisors Newsom, Hall  
Charter amendment (First Draft) to amend Section A8.400 (h) to allow for employees called to active duty to receive supplemental compensation for a period to be specified by ordinance.

10/28/2003, CONTINUED. Continued to November 4, 2003.

Question: Shall this Charter Amendment be SUBMITTED?

## NEW BUSINESS

### Recommendation of the City Services Committee

*Present: Supervisors Dufty, Ma*

6. 031381 [Liquor License Transfer, 688 Geary Street]  
Resolution determining that the transfer of a Type 48 on-sale general public premises license from 2800 Leavenworth Street to 688 Geary Street (District 6), to Greg Lindgren and Jon Gasparini for "Club Eclipse", will serve the convenience of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

Question: Shall this Resolution be ADOPTED?

## **Recommendations of the Land Use Committee**

*Present: Supervisors McGoldrick, Maxwell*

**7. 022031 [Zoning Map Amendment]  
Supervisor Maxwell**

Ordinance amending Section Maps 8 and 8SU of the Zoning Map of the City and County of San Francisco for the property described as Assessor's Block 3978, Lot 1, bounded by Rhode Island Street, 17th Street, Kansas Street and Mariposa Street, from M-1 (Light Industrial) to NC-3 (Moderate-Scale Neighborhood Commercial District) and the 17th and Rhode Island Street Grocery Store Special Use Subdistrict; adopting findings.

(9/16/03 in Board: Supervisor Maxwell submitted a substitute ordinance bearing new title; companion measure to File 022032.)

9/16/2003, SUBSTITUTED. Supervisor Maxwell submitted a substitute ordinance bearing a new title.

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

**8. 022032 [17th and Rhode Island Street Grocery Store Special Use Subdistrict]  
Supervisor Maxwell**

Ordinance amending the San Francisco Planning Code by adding Section 781.10 to create the 17th and Rhode Island Street Grocery Store Special Use Subdistrict, applicable to the newly rezoned NC-3 block (previously M-1) bounded by 17th Street, Rhode Island Street, Mariposa Street and Kansas Street (Assessor's Block 3978, Lot 1), to permit a neighborhood grocery store at 17th and Rhode Island and amending the Section 712 Zoning Control Table; adopting findings.

(9/16/03 in Board: Supervisor Maxwell submitted a substitute ordinance bearing new title.)

10/7/03 in Board: Supervisor Maxwell submitted a substitute ordinance bearing same title.

9/16/2003, SUBSTITUTED. Supervisor Maxwell submitted a substitute ordinance bearing new title.

10/7/2003, SUBSTITUTED. Supervisor Maxwell submitted a substitute ordinance bearing same title.

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

**9. 031600 [Commercial Vehicle Parking in Certain Use Districts]**

Ordinance amending Traffic Code by amending Sections 63 and 63 (a) thereof, relating to commercial vehicle parking in certain use districts.

(Parking and Traffic Department)

(No Public Benefit Recipient.)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

10. 031695 [Changing Official Width of Sidewalk]  
Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1561 to change the official sidewalk width on the south side of Market Street west of Third Street; making findings pursuant to the General Plan; and requiring relocation, modification, or both of facilities affected by the sidewalk width changes.  
(Public Works Department)  
(No Public Benefit Recipient.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

11. 031549 [Mixed-use development of affordable housing and a City office building at 10th and Market Streets]  
Supervisor Daly  
Resolution endorsing a term sheet describing the key terms and conditions of a mixed-use development project at 10th and Market Streets including affordable and market rate housing and a new City office building, and urging City staff to proceed with the preparation of agreements effectuating such a project.

Question: Shall this Resolution be ADOPTED?

### From the Rules Committee With Recommendation "Do Submit"

*Present: Supervisors Hall, Duffy*

*Items 12 through 14*

*(Pursuant to the provisions of Rule 2.28.7 of the Board's Rules of Order, at least six days must intervene between the first appearance of a proposed Charter amendment before the Board as a referral from committee and any Board order of submission to the electorate. In accordance therewith consideration of the following proposed Charter amendment appropriately may be continued at least one week.)*

12. 030857 [Charter Amendment - Retirement Benefits for District Attorneys, Public Defenders and Public Defender Investigators]  
Supervisors Gonzalez, Sandoval, Hall  
Charter amendment (Fourth Draft) to add Section A8.506.5 thereto, to authorize the board of supervisors to contract with the board of administration of the Public Employees' Retirement System to provide increased retirement benefits for district attorneys, public defenders and public defender investigators.

7/8/03 Amendment of the whole bearing same title.

7/8/2003, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

7/8/2003, CONTINUED AS AMENDED. Continued to July 15, 2003 with the Board Sitting as a Committee of the Whole.

7/15/2003, RE-REFERRED to Rules Committee.

Question: Shall this Charter Amendment be SUBMITTED?



13. 031547 [Charter Amendment - Tax-deferred transfer of accrued vacation, sick leave and other compensation to employees]  
Supervisor Sandoval  
Charter amendment (Second Draft) to add Section A8.599 to authorize the City and County to establish plans for the tax-deferred treatment of accrued compensation payable to employees.

Question: Shall this Charter Amendment be SUBMITTED?

14. 031562 [Charter Amendment - Retirement System benefits for domestic partners]  
Supervisors Ammiano, Dufty  
Charter amendment (Third Draft) to add Section 16.125 authorizing the Board of Supervisors to amend or repeal provisions of the Domestic Partnership Ordinance to effectuate the voters' intent that domestic partners be afforded the same rights and responsibilities as spouses, and by amending Section A8.500-2 so that domestic partners are treated exactly the same as spouses for benefits under the Retirement System.

9/30/2003, SUBSTITUTED. Supervisor Ammiano submitted a substitute Charter amendment bearing new title.

Question: Shall this Charter Amendment be SUBMITTED?

### From the Rules Committee "Without Recommendation"

*Present: Supervisors Hall, Gonzalez*

#### *Items 15 and 16*

*(Pursuant to the provisions of Rule 2.28.7 of the Board's Rules of Order, at least six days must intervene between the first appearance of a proposed Charter amendment before the Board as a referral from committee and any Board order of submission to the electorate. In accordance therewith consideration of the following proposed Charter amendment appropriately may be continued at least one week.)*

15. 031542 [Charter Amendment - Reclassify Deputy Sheriffs as Safety Employees Covered Under Charter Section A8.590-1 et seq.]  
Supervisors Ma, Daly, Dufty  
Charter amendment (Second Draft) to amend Sections A8.409 and A8.590-1 et seq. to reclassify Deputy Sheriffs as safety employees covered under Charter Section A8.590-1 et seq.

Question: Shall this Charter Amendment be SUBMITTED?

16. 031561 [Charter Amendment - Allowing the City to reduce the minimum police staffing level after conducting a study of which positions could be filled by civilian personnel rather than sworn officers.]

**Supervisor Annunzio**

Charter amendment (Second Draft) to amend Section 4.127 and to add Section 16.123, to: provide for a study of which positions in the Police Department could be filled by civilian personnel rather than sworn officers; allow the City to reduce the minimum police staffing level for each position it converts from sworn to civilian, without decreasing the number of police officers dedicated to neighborhood community policing, patrol, and investigations; and, provide that no police officer shall be laid off in order to convert a position from sworn to civilian.

Question: Shall this Charter Amendment be SUBMITTED?

## **SPECIAL ORDER 3:30 P.M - Recognition of Commendations**

## SPECIAL ORDER 4:00 P.M.

### Board of Supervisors Sitting as a Committee of the Whole

#### From the Rules Committee "Without Recommendation"

*Present: Supervisors Hall, Dufty*

17. 031405 [Charter Amendment - Establishing a Public Education Fund]  
Supervisors Ammiano, Dufty, Daly  
Charter amendment (Fourth Draft) to add Sections 16.123-1 through 16.123-10, to establish a Public Education Enrichment Fund.  
(Fiscal impact.)

9/30/2003, SUBSTITUTED. Supervisor Ammiano submitted a substitute Charter amendment bearing new title.

10/7/2003, SUBSTITUTED. Supervisor Ammiano submitted a substitute Charter amendment bearing same title.

10/28/2003, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

10/28/2003, CONTINUED. Continued to November 4, 2003 with the Board Sitting as a Committee of the Whole.

**COMMITTEE OF THE WHOLE RISE AND REPORT WITHOUT RECOMMENDATION**

**Question: Shall this Charter Amendment be SUBMITTED?**

### COMMITTEE REPORTS

*Reports from committees, if any, recommending emergency or urgent measures.*

*The following items will be considered by the Rules Committee at a Special Meeting on Monday, November 3, 2003. The Chair intends to request the Committee to send the following items to the Board as a committee report.*

*Items 18 through 21*

*(Pursuant to the provisions of Rule 2.28.7 of the Board's Rules of Order, at least six days must intervene between the first appearance of a proposed Charter amendment before the Board as a referral from committee and any Board order of submission to the electorate. In accordance therewith consideration of the following proposed Charter amendment appropriately may be continued at least one week.)*

18. 031543 [Charter Amendment-Tolling Board deadlines during recess, reducing votes required when Board members are disqualified, limiting hold-over appointments, setting deadlines for police and fire negotiations, and re-naming the Commission on Aging.]  
**Supervisor Gonzalez**  
Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco by amending Sections 2.103, 2.104, and Article XVII, by adding Section 4.101-1, by amending Section A8.590-5, and by amending Section 4.120, to toll deadlines for action by the Board when the Board is in recess, to reduce the number of votes required at the Board of Supervisors for various actions when one or more Board members are disqualified from voting on a matter because of a conflict of interest, to limit hold-over appointments to 60 days, to set deadlines for completing contract negotiations with police and fire employees, and to re-name the Commission on Aging as "the Commission on Aging and Adult Services."
- Question: Shall this Charter Amendment be SUBMITTED?
19. 031560 [Charter Amendment - Appointment of a City Engineer responsible for the design and construction management of all public buildings and public works]  
**Supervisor Ammiano**  
Charter amendment (First Draft) to amend Section 4.130 to provide for appointment of a City Engineer responsible for the design and construction management of all public buildings and public works.
- 9/23/2003, SUBSTITUTED. Supervisor Ammiano submitted a substitute Charter amendment bearing new title.
- Question: Shall this Charter Amendment be SUBMITTED?
20. 031567 [Charter Amendment - San Francisco Department of Public Health]  
**Supervisors Daly, Gonzalez**  
Charter Amendment (Second Draft) to repeal Section 4.110, regarding the Health Commission, and adding a new Article VIIC, to increase the autonomy and fiscal authority of the Health Commission and change the qualifications of Health Commissioners, establish a stable baseline funding level for the Department of Public Health, ensure the continued operation of County hospitals, community-based public health clinics, and chronic disease and injury prevention and health promotion programs, designate universal healthcare as one of the Department's top advocacy priorities, ensure continued planning, coordination and oversight of the San Francisco Emergency Medical Services/Trauma System, guarantee culturally competent care through community-based primary care clinics, maintain operation of the Mental Health Rehabilitation Facility, and establish as a goal, pay equity for nonprofit and City workers performing similar jobs for the Department of Public Health.
- 9/23/2003, SUBSTITUTED to Board of Supervisors. Supervisor Daly submitted a substitute Charter amendment bearing new title.
- Question: Shall this Charter Amendment be SUBMITTED?
21. 031574 [Charter Amendment - Board of Supervisors to respond to all orders or requests for the production of City records under designated state and federal laws]  
**Supervisors McGoldrick, Peskin**  
Charter amendment (Second Draft) to add Section 16.124 to authorize the Board of Supervisors to respond on behalf of the City to all orders or requests for the production of information, records, or other tangible things held by the City, the disclosure of which could violate the rights of any individuals under the State or Federal Constitutions, where the orders or requests are made under laws previously identified by the Board.

Question: Shall this Charter Amendment be SUBMITTED?

**22. 031690 [Settlement Of Lawsuit]**

Ordinance authorizing settlement of the lawsuit filed by Restore Hetch Hetchy against the City and County of San Francisco for \$1,700.00; the lawsuit was filed on July 24, 2003 in San Francisco Superior Court, Case No. 503-306; entitled Restore Hetch Hetchy v. San Francisco Board of Supervisors et al.; other material terms of said settlement are that the City and County of San Francisco and San Francisco Public Utilities Commission agree to remain neutral on Petitioner's efforts to seek funding for preparation of a study assessing the feasibility of restoring the Hetch Hetchy Valley. The San Francisco Public Utilities Commission reserves the right to comment on any restrictions, requirements or regulations that would be imposed on the Department by a funding source as a prerequisite to the appropriation of those funds.  
(City Attorney)

Question: Shall this Ordinance be PASSED ON FIRST READING?

**23. 031697 [Settlement of Lawsuit]**

Ordinance authorizing settlement of the lawsuit filed by Lynn Andrews against the City and County of San Francisco for \$75,000; the lawsuit was filed on July 18, 2002 in San Francisco Superior Court, Case No. 410-430; entitled Lynn Andrews v. City and County of San Francisco, et al.  
(City Attorney)  
(Public Benefit Recipient.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

**24. ROLL CALL FOR INTRODUCTIONS**

*Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, letters of request to the City Attorney and Board Members' reports on their regional body activities.*

**25. PUBLIC COMMENT**

*An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes.*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

*These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.*

### Items 26 through 32

26. 031802 [Commending S.F. Youth Commission and the Youth Vote Coalition]  
Supervisors Newsom, Dufty  
Resolution commending the San Francisco Youth Commission and the Youth Vote Coalition for successfully creating a forum via the 2003 Youth VOTE for students to voice their concerns and to educate their peers about current issues with a particular focus on those concerning the City's children and youth.  
  
10/28/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
Question: Shall this Resolution be ADOPTED?
27. 031803 [2003 Native American Indian Heritage Month]  
Supervisors Newsom, Dufty  
Resolution declaring the month of November as "Native American Indian Heritage Month" in the City and County of San Francisco.  
  
10/28/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
Question: Shall this Resolution be ADOPTED?
28. 031804 [Earned Income Tax Credit Program Pre-Certification Requirements]  
Supervisors Newsom, Dufty  
Resolution urging our federal representatives to ensure that eligibility requirements and application procedures for the federal Earned Income Tax Credit remain as streamlined as possible, and supporting efforts to study the feasibility of implementing a local credit for low- and moderate-income working families.  
  
10/28/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
Question: Shall this Resolution be ADOPTED?
29. 031805 [Supporting House Joint Resolution 45]  
Supervisors Newsom, Ma, Peskin, Dufty  
Resolution supporting House Joint Resolution 45, introduced by Congressman Mike Honda, which posthumously proclaims soldiers of Asian descent who fought in the Civil War to be honorary citizens of the United States.  
  
10/28/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
Question: Shall this Resolution be ADOPTED?

**30. 031806 [Extension of Planning Commission Review Period]  
Supervisor Peskin**

Resolution extending the prescribed time within which the Planning Commission may render its decision on a proposed ordinance to amend the San Francisco Planning Code by repealing Section 207.2 [Second Units] in its entirety, adding a new Section 207.2, and amending Section 209.1 to authorize one additional secondary unit limited to 750 square feet of gross floor area within an existing structure on a lot within 1250 feet of a Primary Transit Street or Transit center and also within 1250 feet of a Neighborhood Commercial or Commercial zoning district, on a lot containing a qualified historical building or where the unit is specifically designed and constructed for the elderly or persons with physical disabilities, to prohibit the owner from legalizing an illegal unit pursuant to the provisions of this ordinance, and providing that the secondary unit shall not be subject to the Rent Ordinance but requiring that a secondary unit in a multi-family building shall be subject to affordability requirements; by amending Sections 135(d), Table 151 of Section 151 and 307(g) to establish the amount of open space and parking required for these secondary units; by amending the San Francisco Traffic Code by adding Section 308.5.1 to prohibit issuance of a residential parking permit to the occupant of a secondary unit; by adding new Section 106.4.1.3 to the San Francisco Building Code to require site inspection prior to issuance of a building permit for the secondary unit to verify that no unpermitted unit exists on the property and prohibiting the issuance of a building permit or certification of occupancy for the second unit if an unpermitted unit has operated on the property within the previous ten years, unless that unit was legally demolished prior to January 1, 2003; and by amending Section 37.9 of the San Francisco Administrative Code to require relocation assistance for persons required to vacate illegal units; and adopting findings.

10/28/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Resolution be ADOPTED?**

**31. 031800 [Legislative Assistants]  
Supervisor Daly**

Motion directing the Clerk of the Board of Supervisors to authorize filling vacancies in Board of Supervisors Legislative Offices immediately when a legislative assistant exercises her/his family leave rights and when legislative assistants depart with accrued vacation balances and directing the Clerk of the Board to introduce such appropriation measures as may be required to cover the costs of such temporary and/or permanent replacements.

10/28/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Motion be ADOPTED?**

**32. 031801 [Directing Budget Analyst to Undertake Analysis of Information related to Proposition N and/or "Real Housing, Real Care" Implementation Plans]  
Supervisor Daly**

Motion directing the Office of Budget Analyst of the Board of Supervisors to analyze information submitted by the Director of Human Services and/or the Mayor's Office related to plans for implementation of Proposition N and/or "Real Housing, Real Care."

10/28/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Motion be ADOPTED?**

*Questions on the For Adoption Without Committee Reference  
Agenda: \_\_\_\_\_*



### 33. IMPERATIVE AGENDA

*Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s).*

*[Serious Injury Finding]*

*Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."*

*[Purely Commendatory Finding]*

*Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.*

*[Brown Act Finding]*

*Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.*

*[Imperative Resolutions, if any]*

## OFF-AGENDA LEGISLATION

## PROPOSED ORDINANCES

*Proposed ordinances received from October 21, 2003 through October 27, 2003, for reference by President to appropriate committee on November 4, 2003.*

### 031770 [General Plan Amendments]

Ordinance amending the Rincon Hill Area Plan of the San Francisco General Plan to make the Area Plan consistent with a new Residential/Commercial Subdistrict within the Area Plan, to amend objectives related to parking, tower separation and open space requirements, to encourage additional height within the district that would allow greater residential density, and to amend various maps within the Area Plan to reflect the new subdistrict and the new height and bulk controls and new midblock pedestrian passage way configuration, and to allow the replacement of parking currently used by Federal agencies that are located on a development site within the new subdistrict; adopting findings.

(Planning Department)

(No Public Benefit Recipient.)

10/22/2003, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 12/4/2003.



**031771 [Zoning Map Amendment]**

Ordinance amending the San Francisco Planning Code by amending the Zoning Map of the City and County of San Francisco to change the use classification, special use district classification and the height and bulk designation of the property zoned P (Public) and bounded by Spear Street, Harrison Street, Beale Street and Folsom Street (excepting the southern portion of Block 3746), and adopting findings.

(Planning Department)

(No Public Benefit Recipient.)

10/22/2003, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 12/4/2003.

**031772 [Establishing a "Residential/Commercial Subdistrict" in the Rincon Hill area]**

Ordinance amending the San Francisco Planning Code by amending Section 249.1(a) to reference "Residential/Commercial Subdistrict," add Section 249.1(b)(8) to create the "Residential/Commercial Subdistrict" generally encompassing most of the property zoned P (Public) and bounded by Spear Street, Harrison Street, Beale Street, and Folsom Street (excepting the southern portion of Block 3746 and Lot 9 of Block 3745), and to add Section 249.1(e) to create special use, density, open space, parking, street frontage, site coverage, dwelling unit exposure, height, bulk standards, and tower separation standards, for the "Residential/Commercial Subdistrict"; adopting findings.

(Planning Department)

(No Public Benefit Recipient.)

10/22/2003, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 12/4/2003.

**031790 [Settlement of Lawsuit - Mamei Wei]**

Ordinance authorizing settlement of the lawsuit filed by Mamei Wei against the City and County of San Francisco and Ray Contreras for \$250,000; the lawsuit was filed on December 20, 2002 in U.S. District Court for the Northern District of California, Case No. C02-5887 TEH entitled Mamei Wei v. City and County of San Francisco and Ray Contreras.

(City Attorney)

(Public Benefit Recipient.)

10/27/2003, RECEIVED AND ASSIGNED to Rules Committee.

## PROPOSED RESOLUTIONS

*Proposed resolutions received from October 21, 2003 through October 27, 2003, for reference by President to appropriate committee on November 4, 2003.*

**031728 [Settlement of Claim - Zurich North America]**

Resolution approving the settlement of the unlitigated claim filed by Zurich North America against the City and County of San Francisco for \$120,000.00; the claim was filed on April 8, 2003; Claim No. 03-03317

(Public Benefit Recipient.)

10/27/2003, RECEIVED AND ASSIGNED to Rules Committee.

- 031769 [Grant of Regional Funds]**  
Resolution authorizing the Municipal Transportation Agency to Accept and Expend \$4,663,431 of Assembly Bill 664 funds for Municipal Railway Transit Projects, excluding Administrative Overhead costs.  
(Municipal Transportation Agency)  
(No Public Benefit Recipient.)  
  
10/22/2003, RECEIVED AND ASSIGNED to Land Use Committee.
- 031773 [Accept-Expend Federal Grant - Spousal Abuser Prosecution Program]**  
**Supervisor Dufty**  
Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of \$95,033 through the California Department of Justice for a program entitled "Spousal Abuser Prosecution Program."  
(District Attorney)  
(No Public Benefit Recipient.)  
  
10/21/2003, RECEIVED AND ASSIGNED to City Services Committee.
- 031774 [Accept-Expend State Grant]**  
Resolution authorizing the Office of the District Attorney to accept and expend a grant in the amount of \$127,241 from the California Office of Criminal Justice Planning for the operation of the Major Narcotic Vendors Prosecution Program.  
(District Attorney)  
(No Public Benefit Recipient.)  
  
10/21/2003, RECEIVED AND ASSIGNED to City Services Committee.
- 031775 [Contract funds to update the single estimate of unmet need for HIV primary care in San Francisco]**  
**Supervisor Dufty**  
Resolution authorizing the San Francisco Department of Public Health (SFDPH) to enter retroactively into an agreement with the University of California, San Francisco (UCSF) the primary contractor, and expend funds in the amount of \$22,224 for estimates of unmet need for HIV primary care in the San Francisco Eligible Metropolitan Area (EMA); for the period of September 1, 2003 to February 29, 2004.  
(Public Health Department)  
(No Public Benefit Recipient.)  
  
10/23/2003, RECEIVED AND ASSIGNED to City Services Committee.
- 031776 [Contract funds to develop an on-line collaborative HIV trial training resource center]**  
**Supervisor Dufty**  
Resolution authorizing the San Francisco Department of Public Health (SFDPH) to enter retroactively into an agreement with Public Health Foundation Enterprises, Inc. (PHFE), the primary contractor, and expend funds in the amount of \$74,732 for services under the agreement; for the period of September 1, 2003 to August 31, 2004.  
(Public Health Department)  
(No Public Benefit Recipient.)  
  
10/23/2003, RECEIVED AND ASSIGNED to City Services Committee.

**031787 [Accept-Expend Federal Grant - Special Emphasis Victim Assistance Program: Homicide]  
Supervisor Dufty**

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of \$110,000 through the California Office of Criminal Justice Planning for the operation of a program entitled "Special Emphasis Victim Assistance Program: Homicide."

(District Attorney)

(No Public Benefit Recipient.)

10/21/2003, RECEIVED AND ASSIGNED to City Services Committee.

**031788 [Accept-Expend Federal Grant - Special Emphasis Victim Assistance Program: Elder Abuse]  
Supervisor Dufty**

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of \$155,000 through the California Office of Criminal Justice Planning for the operation of a program entitled "Elder Abuse Vertical Prosecution Program."

(District Attorney)

(No Public Benefit Recipient.)

10/21/2003, RECEIVED AND ASSIGNED to City Services Committee.

**031789 [Accept-Expend Federal Grant - Special Emphasis Victim Assistance Program: Elder Abuse]  
Supervisor Dufty**

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of \$110,000 through the California Office of Criminal Justice Planning for the operation of a program entitled "Special Emphasis Victim Assistance Program: Elder Abuse."

(District Attorney)

(No Public Benefit Recipient.)

10/21/2003, RECEIVED AND ASSIGNED to City Services Committee.

**031826 [Airport Concession Lease]**

Resolution approving Amendment No. 3 to the Amendment No. 3 to the Traveler America Inc. Lease Agreement for Foreign Currency Exchange in the New International Terminal Building and Existing Terminal Buildings at San Francisco International Airport Lease No. 99-0449 between Traveler America, Inc. and the City and County of San Francisco, acting by and through its Airport Commission.

(Airport Commission)

(No Public Benefit Recipient.)

10/24/2003, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031827 [Airport Concession Lease]**

Resolution approving Amendment No. 2 to the Boarding Areas "B" and "C" Principal Retail Concession Lease No. 98-0228 between Pacific Gateway Concessions, LLC, and the City and County of San Francisco, acting by and through its Airport Commission.

(Airport Commission)

(No Public Benefit Recipient.)

10/24/2003, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031828 [Airport Revenue Bonds]**

Resolution approving the issuance of up to \$225,000,000 additional aggregate principal amount of San Francisco International Airport Second Series Revenue Refunding Bonds for the purpose of refinancing 1991 Resolution Bonds and Subordinate Bonds of the Airport Commission; Approving the issuance of San Francisco International Airport Second Series Variable Rate Revenue Bonds for the purpose of financing or refinancing certain capital improvements at San Francisco International Airport, including by refunding outstanding 1991 Resolution Bonds and Subordinate Bonds of the Airport Commission; Approving the maximum interest rates thereon; Approving the forms of certain documents relating to the Bonds; Approving XI Capital Assurance Inc. as a provider of bond insurance and reserve fund Surety Bonds and the forms of certain documents relating thereto; and Approving certain amendments to the 1991 Master Resolution.  
(Airport Commission)

10/24/2003, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031829 [Membership in the Bay Area Regional Immunization Registry]**

Resolution authorizing the San Francisco Board of Supervisors to enter into an agreement between the City and County of San Francisco and the County of Santa Clara for membership in the Bay Area Regional Immunization Registry.  
(Public Health Department)  
(No Public Benefit Recipient.)

10/22/2003, RECEIVED AND ASSIGNED to City Services Committee.

**031830 [Grant of Federal Funds]**

Resolution authorizing the Municipal Transportation Agency to accept retroactively and expend \$326,512 of federal Section 5309 capital assistance toward the purchase of LRVs for San Francisco's Municipal Railway, excluding Administrative Overhead Costs.  
(Municipal Transportation Agency)  
(No Public Benefit Recipient.)

10/24/2003, RECEIVED AND ASSIGNED to Land Use Committee.

## PROPOSED MOTIONS

*Proposed motions received from October 21, 2003 through October 27, 2003, for reference by President to appropriate committee on November 4, 2003.*

**031763 [Appointment, Public Utilities Commission]**

Motion approving the Acting Mayor's appointment of Robin Chiang to the Public Utilities Commission, for the term expiring January 15, 2004.  
(Mayor)

**031764 [Appointment, Public Utilities Commission]**

Motion rejecting the Acting Mayor's appointment of Robin Chiang to the Public Utilities Commission.  
(Mayor)

10/22/2003, RECEIVED AND ASSIGNED to Rules Committee.

**031765 [Appointment, Public Utilities Commission]**

Motion taking no position concerning the Acting Mayor's appointment of Robin Chiang to the Public Utilities Commission, for term ending January 15, 2004.  
(Mayor)

10/22/2003, RECEIVED AND ASSIGNED to Rules Committee.

**031766 [Appointment, Public Utilities Commission]**

Motion approving the Acting Mayor's appointment of Adam Werbach to the Public Utilities Commission, for the term expiring January 15, 2007.  
(Mayor)

10/22/2003, RECEIVED AND ASSIGNED to Rules Committee.

**031767 [Appointment, Public Utilities Commission]**

Motion rejecting the Acting Mayor's appointment of Adam Werbach to the Public Utilities Commission.  
(Mayor)

10/22/2003, RECEIVED AND ASSIGNED to Rules Committee.

**031768 [Appointment, Public Utilities Commission]**

Motion taking no position concerning the Acting Mayor's appointment of Adam Werbach to the Public Utilities Commission, for term ending January 15, 2007.  
(Mayor)

10/22/2003, RECEIVED AND ASSIGNED to Rules Committee.

**031780 [Appointment, Public Utilities Commission]**

Motion approving the Mayor's appointment of Clementine Clarke to the Public Utilities Commission, for the term expiring January 15, 2007.  
(Mayor)

10/23/2003, RECEIVED AND ASSIGNED to Rules Committee.

**031781 [Appointment, Public Utilities Commission]**

Motion rejecting the Mayor's appointment of Clementine Clarke to the Public Utilities Commission.  
(Mayor)

10/23/2003, RECEIVED AND ASSIGNED to Rules Committee.

**031782 [Appointment, Public Utilities Commission]**

Motion taking no position concerning the Mayor's appointment of Clementine Clarke to the Public Utilities Commission, for term ending January 15, 2007.  
(Mayor)

10/23/2003, RECEIVED AND ASSIGNED to Rules Committee.

**031838 [Petitions and Communications]**

Petitions and Communications received from October 21, 2003 through October 27, 2003, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on November 4, 2003.

From Fire Department, reporting on beverage and snack vending machine usage and preference at the Department. (Reference No. 20030923-033) Copy: Supervisor Peskin (1)

From Public Library, reporting on beverage and snack vending machine usage and preference at the Department. (Reference No. 20030923-037) Copy: Supervisor Peskin (2)

From Office of the Controller, submitting opinion on proposed Charter amendment to establish plans for the tax-deferred treatment of accrued compensation payable to employees. File 031547 (3)

From Office of the Controller, submitting opinion on proposed Charter amendment to ensure that domestic partners are treated exactly the same as spouses for benefits under the Retirement System. File 031562 (4)

From Office of the Controller, submitting opinion on proposed Charter amendment to allow employees called to active duty in the military to receive supplemental compensation pay for a period specified by the ordinance and enables the pay to be applied retroactively. File 031541 (5)

From Office of the Sheriff, reporting on beverage and snack vending machine usage and preference at the Department. (Reference No. 20030923-009) Copy: Supervisor Peskin (6)

From Department of Children, Youth and Their Families, reporting on beverage and snack vending machine usage and preference at the Department. (Reference No. 20030923-060) Copy: Supervisor Peskin (7)

From Public Library, submitting copy of the Department's Efficiency Plan dated October 1, 2003. Copy: Each Supervisor (8)

From Office of Contract Administration, reporting on beverage and snack vending machine usage and preference at the Department. (Reference No. 20030923-059) Copy: Supervisor Peskin (9)

From Fire Department, submitting request for release of reserved funds (\$3,903,139) to carry out the Department's training function. (10)

From Police Department, reporting on beverage and snack vending machine usage and preference at the Department. (Reference No. 20030923-036) Copy: Supervisor Peskin (11)

From Department of Child Support Services, reporting on beverage and snack vending machine usage and preference at the Department. Copy: Supervisor Peskin (12)

From Association of Bay Area Governments (ABAG), submitting name of the Association's President and Vice President elect for the term beginning January 1, 2004 through December 31, 2006. (13)

From concerned citizens, submitting opposition to proposed legislation regarding Secondary Units and to revision of the Housing Element of the City's General Plan. (14)

From concerned citizens, submitting support for Supervisor Daly's appointments to the Public Utilities Commission. (15)

From concerned citizens, submitting opposition for Supervisor Daly's appointments to the Public Utilities Commission. (16)

From concerned citizens, submitting opposition to the 28% proposed pay increase for MUNI's executive director. File 031745 (17)

From concerned citizens, submitting opposition to removal of approximately 100 eucalyptus trees on San Francisco's water shed property that's located between 280 and Skyline Boulevard in the City of Burlingame. (18)

From SF Redevelopment Agency, reporting on beverage and snack vending machine usage and preference at the Department. (Reference No. 20030923-038) Copy: Supervisor Peskin (19)

From Department of Telecommunications and Information Services, reporting on beverage and snack vending machine usage and preference at the Department. (Reference No. 20030923-052) Copy: Supervisor Peskin (20)

From Comcast Cable Communications, Inc., submitting notice of changes to customers of Comcast Cable living in San Francisco. (21)

From Department of Administrative Services, submitting quarterly report pursuant to Section 24 of the Annual Appropriation Ordinance. (22)

From Clerk of the Board, submitting quarterly report pursuant to Section 24 of the Annual Appropriation Ordinance. (23)

From Department of Human Resources, submitting report listing the economic grievance settlements approved pursuant to Chapter 10, Section 10.25-12, of the Administrative Code for the quarter July 1, 2003 through September 30, 2003. (24)

From Bob Planthold, submitting notice that the Senior Action Network opposes the "Creation of Motorcycle parking" in San Francisco. (25)

From State Board of Equalization, regarding Senate Bill 566 that authorizes cities to impose a general purpose transactions and use tax at a rate of .25% or increments thereof with the approval of a majority of the voters voting on the issue. (26)

From Residential Rent Stabilization and Arbitration Board, reporting on beverage and snack vending machine usage and preference at the Department. (Reference No. 20030923-041) Copy: Supervisor Peskin (27)

From Department of Administrative Services, reporting on beverage and snack vending machine usage and preference at the Department. (Reference No. 20030923-058) Copy: Supervisor Peskin (28)

From John Pollock, submitting his concern for the amount of noise and air pollution, which is emitted by CAL-Train both during the day and between the hours of 12:00 am and 5:00 am. (29)

From US Army Corps of Engineers, submitting notice of request for permit to install an outfall for a water quality structure and culvert a storm gutter system on a 1.5 acre project site located at 174 through 178 West F Street in the City of Benicia. (30)

#### APPOINTMENTS BY MAYOR

Human Rights Commission  
Shirley Dimapilis

Public Utilities Commission  
Clementine Clarke

APPOINTMENTS BY ACTING MAYOR  
Public Utilities Commission  
Robin Chiang  
Adam Werbach

## ADJOURNMENT



# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO AGENDA



DOCUMENTS DEPT.

NOV 14 2003

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Legislative Chamber - Second Floor  
City Hall, 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

11-14-03P05:10 RCYD

Tuesday, November 18, 2003 2:00 PM

## Regular Meeting

MATT GONZALEZ, PRESIDENT  
TOM AMMIANO, CHRIS DALY, BEVAN DUFTY, TONY HALL,  
FIONA MA, SOPHIE MAXWELL, JAKE MCGOLDRICK,  
GAVIN NEWSOM, AARON PESKIN, GERARDO SANDOVAL

Gloria L. Young, Clerk of the Board

Agendas of the Board of Supervisors are available on the internet at [www.ci.sf.ca.us/bdsupvrs](http://www.ci.sf.ca.us/bdsupvrs)

## BOARD COMMITTEES

### Committee Membership

**Budget Committee**  
Supervisors Daly, Maxwell, Peskin

**City and School District Select Committee**  
Supervisors Maxwell, Ammiano, Ma, Commissioners Cruz, Sanchez, Kelly

**City Services Committee**  
Supervisors Dufty, Ma, Newsom

**Finance and Audits Committee**  
Supervisors Peskin, Sandoval, McGoldrick

**Land Use Committee**  
Supervisors McGoldrick, Maxwell, Ammiano

**Rules Committee**  
Supervisors Hall, Dufty, Gonzalez

### Meeting Days

Thursday  
1:00 PM

2nd Monday, bi-monthly  
4:00 PM

Thursday  
9:30 AM

Wednesday  
12:30 PM

Monday  
1:00 PM

Wednesday  
9:30 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

## Board Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices; (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4) standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

Agenda are available on the internet at [www.sfgov.org/bdsupvrs.bos.htm](http://www.sfgov.org/bdsupvrs.bos.htm).

THE AGENDA PACKET IS AVAILABLE AT CITY HALL, ROOM 244, RECEPTION DESK.

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 557-4293. Results of each Board meeting can be obtained about a half hour after the end of the meeting by telephoning (415) 554-5555.

Requests for language translation at a meeting must be received no later than noon the Friday before the meeting. Contact Ohn Myint at (415) 554-7704.

AVISO EN ESPAÑOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de un viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

**翻譯** 必須在會議前最少四十八小時提出要求  
請電 (415) 554-7704

## Disability Access

The Legislative Chamber of the Board of Supervisors is in Room 250 of City Hall, 1 Dr. Carlton B. Goodlett Place. The Chamber is wheelchair accessible.

The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex.

All meetings are real-time captioned and are cablecast open-captioned on SF Cable 26.

The following services are available when requests are made by 4:00 p.m. of the Friday before the Board meeting. This advance notice will help ensure availability.

• For American Sign Language interpreters or use of a reader during a meeting, contact Ohn Myint at (415) 554-7704.

• For a large print copy of agenda or minutes in alternative formats, contact Annette Lonich at (415) 554-7706.

Assistive listening devices are available from the receptionist in the Clerk of the Board's Office, Room 244, prior to the meeting.

The Clerk of the Board's Office TTY number is (415) 554-5227.

In order to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

### **Know Your Rights Under the Sunshine Ordinance**

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Donna Hall by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at [Donna.Hall@sfgov.org](mailto:Donna.Hall@sfgov.org)

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Ms. Hall or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine.htm>

### **Lobbyist Registration and Reporting Requirements**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site [www.sfgov.org/ethics](http://www.sfgov.org/ethics)

## ROLL CALL AND PLEDGE OF ALLEGIANCE

## APPROVAL OF MEETING MINUTES

*Motion to approve October 21, 2003 Meeting Minutes.*

## AGENDA CHANGES

## COMMUNICATIONS

*Note: Each item on the Consent or Regular agenda may include the following documents:*

- 1) Legislation*
- 2) Budget Analyst report*
- 3) Legislative Analyst report*
- 4) Department or Agency cover letter and/or report*
- 5) Public correspondence*

*These items will be available for review at City Hall, Room 244, Reception Desk.*

## CONSENT AGENDA

*All matters listed hereunder constitute a Consent Agenda, are considered to be routine by the Board of Supervisors and will be acted upon by a single roll call vote of the Board. There will be no separate discussion of these items unless a member of the Board so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.*

### Items 1 through 17

### Recommendations of the City Services Committee

*Present: Supervisors Dufty, Ma*

1. 031721 [Research on club-drug networks among high-risk men]

**Supervisor Dufty**

Resolution authorizing the San Francisco Department of Public Health, AIDS Office (SFDPHAIDS) to accept retroactively and expend a supplemental grant award in the amount of \$37,011 from the National Institute on Drug Abuse (NIDA) for research on club-drug networks among high-risk men and to enter into an agreement for the use of these funds; for the period of March 1, 2003 to February 29, 2004.

(Public Health Department)

(No Public Benefit Recipient.)

**Question: Shall this Resolution be ADOPTED?**

*Present: Supervisors Dufty, Daly*

2.       **031773**   **[Accept-Expend Federal Grant - Spousal Abuser Prosecution Program]**  
**Supervisors Dufty, Daly**  
Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of \$95,033 through the California Department of Justice for a program entitled "Spousal Abuser Prosecution Program."  
(District Attorney)  
(No Public Benefit Recipient.)
- Question: Shall this Resolution be ADOPTED?**
3.       **031775**   **[Contract funds to update the single estimate of unmet need for HIV primary care in San Francisco]**  
**Supervisors Dufty, Daly**  
Resolution authorizing the San Francisco Department of Public Health (SFDPH) to enter retroactively into an agreement with the University of California, San Francisco (UCSF) the primary contractor, and expend funds in the amount of \$22,224 for estimates of unmet need for HIV primary care in the San Francisco Eligible Metropolitan Area (EMA); for the period of September 1, 2003 to February 29, 2004.  
(Public Health Department)  
(No Public Benefit Recipient.)
- Question: Shall this Resolution be ADOPTED?**
4.       **031776**   **[Contract funds to develop an on-line collaborative HIV trial training resource center]**  
**Supervisor Dufty**  
Resolution authorizing the San Francisco Department of Public Health (SFDPH) to enter retroactively into an agreement with Public Health Foundation Enterprises, Inc. (PHFE), the primary contractor, and expend funds in the amount of \$74,732 for services under the agreement; for the period of September 1, 2003 to August 31, 2004.  
(Public Health Department)  
(No Public Benefit Recipient.)
- Question: Shall this Resolution be ADOPTED?**
5.       **031787**   **[Accept-Expend Federal Grant - Special Emphasis Victim Assistance Program: Homicide]**  
**Supervisors Dufty, Daly**  
Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of \$110,000 through the California Office of Criminal Justice Planning for the operation of a program entitled "Special Emphasis Victim Assistance Program: Homicide."  
(District Attorney)  
(No Public Benefit Recipient.)
- Question: Shall this Resolution be ADOPTED?**

6. 031788 [Accept-Expend Federal Grant - Special Emphasis Victim Assistance Program: Elder Abuse]  
Supervisors Duffy, Daly  
Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of \$155,000 through the California Office of Criminal Justice Planning for the operation of a program entitled "Elder Abuse Vertical Prosecution Program."  
(District Attorney)  
(No Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

7. 031789 [Accept-Expend Federal Grant - Special Emphasis Victim Assistance Program: Elder Abuse]  
Supervisors Duffy, Daly  
Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of \$110,000 through the California Office of Criminal Justice Planning for the operation of a program entitled "Special Emphasis Victim Assistance Program: Elder Abuse."  
(District Attorney)  
(No Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

### Recommendations of the Land Use Committee

*Present: Supervisors McGoldrick, Maxwell*

8. 022031 [Zoning Map Amendment]  
Supervisor Maxwell  
Ordinance amending Section Maps 8 and 8SU of the Zoning Map of the City and County of San Francisco for the property described as Assessor's Block 3978, Lot 1, bounded by Rhode Island Street, 17th Street, Kansas Street and Mariposa Street, from M-1 (Light Industrial) to NC-3 (Moderate-Scale Neighborhood Commercial District) and the 17th and Rhode Island Street Grocery Store Special Use Subdistrict; adopting findings.  
(9/16/03 in Board: Supervisor Maxwell submitted a substitute ordinance bearing new title; companion measure to File 022032.)

9/16/2003. SUBSTITUTED. Supervisor Maxwell submitted a substitute ordinance bearing a new title.

11/4/2003. PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

9.           **022032**   **[17th and Rhode Island Street Grocery Store Special Use Subdistrict]**  
**Supervisor Maxwell**  
Ordinance amending the San Francisco Planning Code by adding Section 781.10 to create the 17th and Rhode Island Street Grocery Store Special Use Subdistrict, applicable to the newly rezoned NC-3 block (previously M-1) bounded by 17th Street, Rhode Island Street, Mariposa Street and Kansas Street (Assessor's Block 3978, Lot 1), to permit a neighborhood grocery store at 17th and Rhode Island and amending the Section 712 Zoning Control Table; adopting findings.  
(9/16/03 in Board: Supervisor Maxwell submitted a substitute ordinance bearing new title.)  
(10/7/03 in Board: Supervisor Maxwell submitted a substitute ordinance bearing same title.)
- 9/16/2003, SUBSTITUTED. Supervisor Maxwell submitted a substitute ordinance bearing new title.  
10/7/2003, SUBSTITUTED. Supervisor Maxwell submitted a substitute ordinance bearing same title.  
11/4/2003, PASSED ON FIRST READING.  
**Question: Shall this Ordinance be FINALLY PASSED?**
10.          **031600**   **[Commercial Vehicle Parking in Certain Use Districts]**  
Ordinance amending Traffic Code by amending Sections 63 and 63 (a) thereof, relating to commercial vehicle parking in certain use districts.  
(Parking and Traffic Department)  
(No Public Benefit Recipient.)
- 11/4/2003, PASSED ON FIRST READING.  
**Question: Shall this Ordinance be FINALLY PASSED?**
11.          **031695**   **[Changing Official Width of Sidewalk]**  
Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1561 to change the official sidewalk width on the south side of Market Street west of Third Street; making findings pursuant to the General Plan; and requiring relocation, modification, or both of facilities affected by the sidewalk width changes.  
(Public Works Department)  
(No Public Benefit Recipient.)
- 11/4/2003, PASSED ON FIRST READING.  
**Question: Shall this Ordinance be FINALLY PASSED?**

*Present: Supervisors McGoldrick, Maxwell, Ammanno*

12. 031691 [STOP Intersections]  
Resolution designating certain intersections as "STOP" intersections.

**STOP SIGNS ESTABLISH**

Le Conte and Meade Avenues, stopping both streets, making this intersection an All-Way STOP;  
Teddy Avenue and Alpha Street, stopping Teddy Avenue at Alpha Street, making this intersection an All-Way STOP;

Leland Avenue and Peabody Street, stopping Leland Avenue and Peabody Street, making this uncontrolled T-intersection an All-Way STOP;

Broadway and Jones Street, stopping Jones Street, making this intersection an All-Way STOP;

Benton Avenue and Genebern Way, stopping westbound Benton Avenue at Genebern Way;

26th Avenue and Moraga Street, stopping 26th Avenue, making this intersection an All-Way STOP;

25th and Mississippi Streets, stopping both streets, making this uncontrolled T-intersection an All-Way STOP;

20th Avenue and Quintara Street, stopping Quintara Street traffic at 20th Avenue, making this intersection an All-Way STOP; and

Harney Way at Alana Way and Thomas Mellon Drive, stopping eastbound Harney Way Left Turn onto Alana Way.

(Parking and Traffic Department)

9/25/03: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2692; No Public Benefit Recipient.)

**Question: Shall this Resolution be ADOPTED?**

13. 031746 [Accept-Expend State Grant]  
Mayor, Supervisors McGoldrick, Maxwell

Resolution authorizing the Department of Parking and Traffic to accept and expend a grant in the amount of \$199,204 from the California Office of Traffic Safety for improving school area traffic safety.

(No Public Benefit Recipient.)

**Question: Shall this Resolution be ADOPTED?**



14. 031692

**[Traffic Regulations]**

Resolution enacting and rescinding traffic regulations on various streets.

**LEFT LANE MUST TURN LEFT - ESTABLISH**

Paul Avenue, eastbound, at Bayshore Boulevard.

**CROSSWALK - RESCIND**

Bayshore Boulevard and Oakdale Avenue, crossing Bayshore Boulevard, south side, at Oakdale Avenue.

**CROSSWALK - ESTABLISH**

Bayshore Boulevard and Oakdale Avenue, crossing Bayshore Boulevard, north side.

**NO RIGHT TURN AFTER BALLPARK EVENTS EXCEPT TAXIS - RESCIND****NO RIGHT TURN AFTER BALLPARK EVENTS - ESTABLISH**

3rd Street, northbound, at Townsend Street.

**NO LEFT TURN - ESTABLISH**

Woodside Avenue, eastbound, onto Youth Guidance Center/Laguna Honda Hospital access road.

**NO LEFT TURN - ESTABLISH**

Woodside Avenue, westbound, onto Idora Avenue.

**CROSSWALK - RESCIND**

Crossing Woodside Avenue, west side, at Idora Avenue.

**CROSSWALK - RESCIND**

Crossing Woodside Avenue, east side, at the Youth Guidance Center/Laguna Honda access road.

**NO LEFT TURN, 7:00 AM to 9:00 AM AND 4:00 PM TO 6:00 PM, EXCEPT SATURDAY AND SUNDAY - RESCIND****NO LEFT TURN - ESTABLISH**

Judah Street, westbound at 17th Avenue.

(Parking and Traffic Department)

Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2692; No Public Benefit Recipient.)

**Question: Shall this Resolution be ADOPTED?**

15. 031693

**[Parking Regulations]**

Resolution enacting and recodifying parking regulations at various locations

RESIDENTIAL PERMIT PARKING AREA "N" (2-HOUR TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH

Fulton Avenue, west side, between California and Clement Streets (200 block).

RESIDENTIAL PERMIT PARKING AREA "H" (2-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH

Sloat Boulevard, south side, from 20th Avenue to 100 feet easterly (300 block); and

20th Avenue, both sides, between Sloat Boulevard and Ocean Avenue (2900 block).

UNMETERED MOTORCYCLE PARKING - ESTABLISH

Fallon Street, south side, at 6th Avenue (accommodates 3 unmetered parking spaces).

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH

States Street, north side, from Corona Heights Playground to a point 26 feet westerly.

[9/25/03: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPW Order No. 2692; No Public Benefit Recipient.]

Question: Shall this Resolution be ADOPTED?

### **Recommendations of the Rules Committee**

*Present: Supervisors Hall, Gonzalez*

16. 031690

**[Settlement Of Lawsuit]**

Ordinance authorizing settlement of the lawsuit filed by Restore Hetch Hetchy against the City and County of San Francisco for \$1,700.00; the lawsuit was filed on July 24, 2003 in San Francisco Superior Court, Case No. 503-306; entitled Restore Hetch Hetchy v. San Francisco Board of Supervisors et al.; other material terms of said settlement are that the City and County of San Francisco and San Francisco Public Utilities Commission agree to remain neutral on Petitioner's efforts to seek funding for preparation of a study assessing the feasibility of restoring the Hetch Hetchy Valley. The San Francisco Public Utilities Commission reserves the right to comment on any restrictions, requirements or regulations that would be imposed on the Department by a funding source as a prerequisite to the appropriation of those funds.  
(City Attorney)

11/4/2003. PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

17. 031697

**[Settlement of Lawsuit]**

Ordinance authorizing settlement of the lawsuit filed by Lynn Andrews against the City and County of San Francisco for \$75,000; the lawsuit was filed on July 18, 2002 in San Francisco Superior Court, Case No. 410-430; entitled Lynn Andrews v. City and County of San Francisco, et al.  
(City Attorney)  
(Public Benefit Recipient.)

11/4/2003, PASSED ON FIRST READING

**Question: Shall this Ordinance be FINALLY PASSED?**

*Questions on the Consent Agenda are on final passage, first reading, or adoption, as indicated: \_\_\_\_\_*

## REGULAR AGENDA

## UNFINISHED BUSINESS

### Recommendation of the Rules Committee

*Present: Supervisors Hall, Duffy*

18. 031545 [Agreement to Exchange of Property and Settlement of Lawsuit - William F. Spiers dba Spiers Construction Company]  
**Supervisors Hall, Duffy**  
 Ordinance authorizing an agreement to exchange vacant land uphill from Edgehill Park for the City's property on Portola Drive; adopting findings that the exchange agreement is categorically exempt from environmental review and is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of the exchange agreement; and authorizing settlement of the lawsuit entitled City and County of San Francisco v. William F. Spiers dba Spiers Construction Company, filed on November 29, 2001 in San Francisco Superior Court, Case No. 401-800, for an injunction requiring removal of Spiers' fence blocking access to Edgehill Park, for dismissal of Spiers' cross-complaint for quiet title, and for the exchange agreement. (Public Benefit Recipient.)

10/7/2003. PASSED ON FIRST READING.

10/21/2003. CONTINUED. Continued to November 18, 2003

**Question: Shall this Ordinance be FINALLY PASSED?**

### From the Rules Committee With Recommendation "Do Submit"

*Present: Supervisors Hall, Duffy, Gonzalez*

19. 031543 [Charter Amendment-Tolling Board deadlines during recess, reducing votes required when Board members are disqualified, limiting hold-over appointments, setting deadlines for police and fire negotiations, and re-naming the Commission on Aging.]  
**Supervisor Gonzalez**  
 Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco by amending Sections 2.103, 2.104, and Article XVII, by adding Section 4.101-1, by amending Section A8.590-5, and by amending Section 4.120, to toll deadlines for action by the Board when the Board is in recess, to reduce the number of votes required at the Board of Supervisors for various actions when one or more Board members are disqualified from voting on a matter because of a conflict of interest, to limit hold-over appointments to 60 days, to set deadlines for completing contract negotiations with police and fire employees, and to re-name the Commission on Aging as "the Commission on Aging and Adult Services."

11/4/2003. CONTINUED. Continued to November 18, 2003

**Question: Shall this Charter Amendment be SUBMITTED?**

*Present: Supervisors Hall, Duffy*

20. 031547 [Charter Amendment - Tax-deferred transfer of accrued vacation, sick leave and other compensation to employees]  
**Supervisor Sandoval**  
Charter amendment (Second Draft) to add Section A8.599 to authorize the City and County to establish plans for the tax-deferred treatment of accrued compensation payable to employees.

11/4/2003. CONTINUED Continued to November 18, 2003

**Question: Shall this Charter Amendment be SUBMITTED?**

21. 031562 [Charter Amendment - Retirement System benefits for domestic partners]  
**Supervisors Ammiano, Duffy**  
Charter amendment (Third Draft) to add Section 16.125 authorizing the Board of Supervisors to amend or repeal provisions of the Domestic Partnership Ordinance to effectuate the voters' intent that domestic partners be afforded the same rights and responsibilities as spouses, and by amending Section A8.500-2 so that domestic partners are treated exactly the same as spouses for benefits under the Retirement System.

9/30/2003. SUBSTITUTED. Supervisor Ammiano submitted a substitute Charter amendment bearing new title

11/4/2003. CONTINUED Supervisor Peskin, seconded by Supervisor Daly, moved to combine File No. 031547 with File No. 031562.

Continued to November 18, 2003.

**Question: Shall this Charter Amendment be SUBMITTED?**

### **From the Rules Committee "Without Recommendation"**

*Present: Supervisors Hall, Gonzalez*

22. 031542 [Charter Amendment - Reclassify Deputy Sheriffs as Safety Employees Covered Under Charter Section A8.590-1 et seq.]  
**Supervisors Ma, Daly, Duffy**  
Charter amendment (Second Draft) to amend Sections A8.409 and A8.590-1 et seq. to reclassify Deputy Sheriffs as safety employees covered under Charter Section A8.590-1 et seq.

11/4/2003. CONTINUED. Continued to November 18, 2003

**Question: Shall this Charter Amendment be SUBMITTED?**

*Present: Supervisors Hall, Duffy*

- 2.3      031574      [Charter Amendment - Board of Supervisors to respond to all orders or requests for the production of City records under designated state and federal laws]  
Supervisors McGoldrick, Peskin  
Charter amendment (Second Draft) to add Section 16.124 to authorize the Board of Supervisors to respond in behalf of the City to all orders or requests for the production of information, records, or other tangible things held by the City, the disclosure of which could violate the rights of any individuals under the State or Federal Constitutions, where the orders or requests are made under laws previously identified by the Board.

11/4/2003 CONTINUED Continued to November 18, 2003

**Question: Shall this Charter Amendment be SUBMITTED?**

## NEW BUSINESS

### Recommendation of the Budget Committee

*Present: Supervisors Daly, Maxwell, Peskin*

24. 031793 [Financial Privacy]  
Supervisor Peskin

Ordinance amending Section 2000 of Article 20 of the Business and Tax Regulation Code, the "San Francisco Financial Information Privacy Ordinance," to postpone the date upon which Article 20 is set to become operative from January 1, 2004 to July 1, 2004.

Question: Shall this Ordinance be PASSED ON FIRST READING?

### From the Budget Committee "Without Recommendation"

*Present: Supervisors Daly, Maxwell, Peskin*

25. 031811 [Development and Lease of Piers 27-31]  
Supervisor Peskin

Resolution urging the Port Commission not to Extend the Exclusive Right to Negotiate Agreement with the Mills Corporation and to Re-issue the Request for Proposals for the Development and Lease of Piers 27-31 as a Mixed-Use Recreation Project.

Question: Shall this Resolution be ADOPTED?

### Recommendations of Finance and Audits Committee

*Present: Supervisors Peskin, Sandoval*

26. 031321 [CEQA, General Plan, Golden Gate Park Master Plan Findings - Golden Gate Park Concourse Authority Projects]  
Supervisor Peskin

Resolution adopting environmental findings pursuant to the California Environmental Quality Act, State Guidelines, and Administrative Code Chapter 31; and adopting General Plan and Planning Code Section 101.1 findings in connection with the Golden Gate Park Concourse Authority Projects.

Question: Shall this Resolution be ADOPTED?

27. 031320 [Golden Gate Park Concourse Underground Parking Facility Fees]  
Supervisor Peskin

Ordinance making environmental findings and amending the San Francisco Park Code by adding Section 12.35 to establish rates for the Golden Gate Park Concourse Underground Parking Facility.

Question: Shall this Ordinance be PASSED ON FIRST READING?

28. 031319 [Approving ground lease to Music Concourse Community Partnership in connection with the construction and operation of an underground parking facility and amending the designation of the jurisdiction of the Golden Gate Park Concourse Authority]  
Supervisors Peskin, Duffy  
Resolution approving and authorizing the execution and delivery of a ground lease between the City and Music Concourse Community Partnership relating to the Golden Gate Park Music Concourse underground parking facility project, amending the designation of the jurisdiction of the Golden Gate Park Concourse Authority, and requiring Music Concourse Community Partnership to provide or cause the provision of a guarantee of the remaining uncollected pledges.

(Fiscal impact.)

10/28/2003 SUBSTITUTED Supervisor Peskin submitted a substitute resolution bearing new title

Question: Shall this Resolution be ADOPTED?

*Present: Supervisors Peskin, Sandoval, McGoldrick*

29. 031657 [Appropriation of funding and creation of special fund for the Octavia Boulevard Project]  
Supervisor Peskin

Ordinance appropriating \$12,903,999 from the land sales to the San Francisco Redevelopment Agency and \$1,106,631 in lease revenues from the Central Freeway land parcels for a total of \$14,010,630 to fund the construction of Octavia Boulevard and related ancillary projects for the Department of Public Works for fiscal year 2003-04.

(Mayor)

(Fiscal impact; No Public Benefit Recipient.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

30. 031738 [Contracting out Budget Analyst Services]  
Resolution concurring with the controller's certification that the budget analyst services can be practically performed by private contractor for lower cost than similar work services performed by city and county employees.  
(Clerk of the Board)

Question: Shall this Resolution be ADOPTED?



### **Recommendations of the City Services Committee**

*Present: Supervisors Duffy, Ma*

31. 031103 [Parks and Recreation Department assessment of staff and monetary resources needed to maintain city parks]  
**Supervisors Gonzalez, Sandoval, Daly, Duffy, Ma**  
Resolution urging the Parks and Recreation Commission and the Parks and Recreation Department to immediately undertake an assessment of staff and monetary resources needed to reinvigorate and maintain the city's parks at a level that promotes use and pride in all neighborhoods of the city

**Question: Shall this Resolution be ADOPTED?**

*Present: Supervisors Duffy, Daly*

32. 030995 [Licensing and regulation of massage practitioners and businesses]  
**Supervisors Daly, Peskin, Duffy, Ma, Gonzalez, Ammiano**  
Ordinance amending the San Francisco Police Code by repealing Article 27 (Sections 2700 through 2737), and amending the San Francisco Health Code by adding a new Article 29 (Sections 1900 through 1931), both Articles providing for the licensing and regulation of massage practitioners and businesses, and establishing an operative date for the ordinance.

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

33. 031866 [Waiving Police and Fire fees for Immigrant Pride Day 2003]  
**Supervisors Gonzalez, Daly**  
Ordinance waiving fees associated with Immigrant Pride Day 2003 assessed by the San Francisco Police and Fire Departments; urging the Municipal Transportation Agency to waive its fees associated with the same event.

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

### **Recommendations of the Land Use Committee**

*Present: Supervisors McGoldrick, Maxwell, Ammiano*

34. 031603 [Generation Solar: Residential and Commercial Solar Program]  
**Supervisors Ammiano, McGoldrick, Maxwell**  
Ordinance requiring the Public Utilities Commission and the Department of the Environment in consultation with other City departments to implement Generation Solar, a solar program for the residential and commercial sectors.  
(No Public Benefit Recipient.)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

35. 031694 [Traffic Code - Amending Section 32.1.1 to update location of Main Public Library]  
Ordinance amending Section 32.1.1 of the San Francisco Traffic Code to update the location of parking restrictions on the blocks adjacent to the San Francisco Main Library.  
(Parking and Traffic Department)  
(No Public Benefit Recipient)

Question: Shall this Ordinance be PASSED ON FIRST READING?

Present: Supervisors McGoldrick, Maxwell

36. 031727 [Street Encroachment at 151 24th Avenue]  
Resolution granting revocable permission to Edgar N. Bogas and Desiree Goyette-Bogas to occupy a portion of the public right-of-way to construct, install and maintain a portion of a new two car garage, including new concrete retaining walls, concrete stairs, concrete terrace, grading and landscaping, within the existing landscaped portion of the 24th Avenue public right-of-way, to access and provide off-street parking for the property at 151 24th Avenue (Block 1334, Lot 004) and making findings of consistency with the priority policies of Planning Code Section 101.1.  
(Public Works Department)  
(No Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

Present: Supervisors McGoldrick, Maxwell, Amunio

37. 031729 [Street Artist Winter Holiday Spaces]  
Resolution designating temporary selling spaces in the Downtown area and at Harvey Milk Plaza for street artists certified by the Arts Commission, City and County of San Francisco, for the winter holiday season, 2003, beginning on November 15, 2003 and ending on January 15, 2004.  
(Arts Commission)  
(No Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

## SPECIAL ORDER 3:30 P.M - Recognition of Commendations

## SPECIAL ORDER 4:00 P.M.

### Board of Supervisors Sitting as a Committee of the Whole

#### From the Rules Committee With Recommendation "Do Submit"

*Present: Supervisors Hall, Dufty*

38. 030857 [Charter Amendment - Retirement Benefits for District Attorneys, Public Defenders and Public Defender Investigators]

**Supervisors Gonzalez, Sandoval, Hall**

Charter amendment (Fifth Draft) to add Section A8.506.5 thereto, to authorize the board of supervisors to contract with the board of administration of the Public Employees' Retirement System to provide increased retirement benefits for district attorneys, public defenders and public defender investigators.

7/8/2003. AMENDED. AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

7/8/2003. CONTINUED AS AMENDED. Continued to July 15, 2003 with the Board Sitting as a Committee of the Whole

7/15/2003. RE-REFERRED to Rules Committee.

11/4/2003. AMENDED. AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

11/4/2003. CONTINUED AS AMENDED. Continued to November 18, 2003 with the Board Sitting as a Committee of the Whole.

**Question: Shall this Charter Amendment be SUBMITTED?**

39. 031819 [Charter Amendment - Tax Deferred transfer of accrued vacation, sick leave and other compensation to employees; Retirement System benefits for domestic partners]

**Supervisors Sandoval, Ammiano, Dufty**

Charter amendment (First Draft) by: (a) adding Section A8.599 to authorize the City and County of San Francisco to establish plans for the tax-deferred treatment of accrued compensation payable to employees, (b) adding Section 16.125, authorizing the Board of Supervisors to amend or repeal provisions of the Domestic Partnership Ordinance to effectuate the voters' intent that domestic partners be afforded the same rights and responsibilities as spouses, and by (c) amending Section A8.500-2 so that domestic partners are treated exactly the same as spouses for benefits under the Retirement System.

11/4/2003. CONTINUED AS AMENDED. Continued to November 18, 2003 with the Board Sitting as a Committee of the Whole.

**Question: Shall this Charter Amendment be SUBMITTED?**

## From the Rules Committee "Without Recommendation"

*Present: Supervisors Hall, Gonzalez*

40. 031561 [Charter Amendment - Allowing the City to reduce the minimum police staffing level after conducting a study of which positions could be filled by civilian personnel rather than sworn officers.]

**Supervisor Ammiano**

Charter amendment (Third Draft) to amend Section 4.127 and to add Section 16.123, to: provide for a study of which positions in the Police Department could be filled by civilian personnel rather than sworn officers; allow the City to reduce the minimum police staffing level for each position it converts from sworn to civilian, without decreasing the number of police officers dedicated to neighborhood community policing, patrol, and investigations and without substantially interfering with the delivery of police services or the ability of the Police Department to protect the public in the event of an emergency; and, provide that no police officer shall be laid off in order to convert a position from sworn to civilian.

11/4/2003, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

11/4/2003, CONTINUED AS AMENDED. Continued to November 18, 2003 with the Board Sitting as a Committee of the Whole

Question: Shall this Charter Amendment be SUBMITTED?

*Present: Supervisors Hall, Duffy, Gonzalez*

41. 031567 [Charter Amendment - San Francisco Department of Public Health]  
**Supervisors Daly, Gonzalez**

Charter Amendment (Third Draft) to repeal Section 4.110, regarding the Health Commission, and adding a new Article VIII.C, to increase the autonomy and fiscal authority of the Health Commission and change the qualifications of Health Commissioners, establish a stable baseline funding level for the Department of Public Health, ensure the continued operation of County hospitals, community-based public health clinics, and chronic disease and injury prevention and health promotion programs, designate universal healthcare as one of the Department's top advocacy priorities, ensure continued planning, coordination and oversight of the San Francisco Emergency Medical Services/Trauma System, guarantee culturally competent care through community-based primary care clinics, maintain operation of the Mental Health Rehabilitation Facility, and establish as a goal, pay equity for nonprofit and City workers performing similar jobs for the Department of Public Health.

9/23/2003, SUBSTITUTED to Board of Supervisors. Supervisor Daly submitted a substitute Charter amendment bearing new title.

11/4/2003, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Supervisor Daly, seconded by Supervisor Ammiano, moved an amendment of the whole. (Third Draft)

11/4/2003, CONTINUED AS AMENDED. Continued to November 18, 2003 with the Board Sitting as a Committee of the Whole.

Question: Shall this Charter Amendment be SUBMITTED?

**APPEAL PROCEDURES**

Board Rule 4.29 provides that public hearings on appeals shall be scheduled for 4pm. If more than one public hearing is scheduled, then the Clerk, in consultation with the President, may determine the order in which the appeals will be scheduled. Second and later appeals may be scheduled at specified times later than 4 pm. An appeal shall not be heard prior to its scheduled time on the calendar, and it may not be called until the Board's consideration of appeals scheduled earlier on the calendar is completed. It is the policy of the Clerk of the Board to schedule multiple appeals in the following order at 4pm:

1. Appeals where all parties have agreed to request a continuance or a tabling of the appeal
2. Continued appeals from previous Board meetings (continued appeals will be listed in order of those closest to deadlines for Board decision).
3. Appeals appearing on the calendar for the first time, in chronological order of receipt by the Clerk.
4. Multiple appeals appearing on the calendar may be staggered at times specific, beginning at 4pm.
5. Appeals involving participants who have ADA considerations may be set for specific times beginning at 4pm

**SPECIAL ORDER 4:30 P.M.****42. 031631 [Public Hearing - Appeal, Final EIR for the 300 Spear Street Project]**

Hearing of persons interested in or objecting to the Planning Commission certification of the Final Environmental Impact Report Case No. 2000.1090E, dated September 4, 2003, for the proposed project at 300 Spear Street. (Appellant: Sue C. Hestor, attorney for the Rincon Hill Residents Association and the BayCrest Towers Residential Association).

(Filed 9/24/03; companion measure to Files 031632, 031633, 031634.)

10/21/2003, CONTINUED. Continued to November 18, 2003

Action: \_\_\_\_\_

*Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Final Environmental Impact Report described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.*

**(Only one of the following two motions should be adopted.)****43. 031632 [Affirm certification of final environmental impact report for the 300 Spear Street Project]**

Motion affirming the Planning Commission certification of the final environmental impact report for the 300 Spear Street Project.  
(Clerk of the Board)

10/21/2003, CONTINUED. Continued to November 18, 2003

Question: Shall this Motion be ADOPTED?

44. 0316.33 [Reverse certification of final environmental impact report for the 300 Spear Street Project]  
Motion reversing the Planning Commission certification of the final environmental impact report for the 300 Spear Street Project  
(Clerk of the Board)

10/17/2003 CONTINUED Continued to November 18, 2003

Question: Shall this Motion be **ADOPTED**?

45. 0316.34 [Preparation of findings to reverse certification of the of final environmental impact report for the 300 Spear Street Project]  
Motion directing the Clerk of the Board to prepare findings specifying the basis for the Board of Supervisors' reversal of the Planning Commission certification of the final environmental impact report for the 300 Spear Street Project  
(Clerk of the Board)

10/21/2003 CONTINUED Continued to November 18, 2003

Question: Shall this Motion be **ADOPTED**?

**SPECIAL ORDER 4:30 P.M.****46. 031627 [Public Hearing - Appeal, Final EIR for the 201 Folsom Street Project]**

Hearing of persons interested in or objecting to the Planning Commission certification of the Final Environmental Impact Report Case No. 2002.1073E, dated September 4, 2003, for the proposed project at 201 Folsom Street. (Appellant: Sue C. Hestor, attorney for the Rincon Hill Residents Association and BayCrest Towers Residential Association).

(Filed 9/24/03; companion measure to Files 031628, 031629, 031630.)

10/21/2003, CONTINUED. Continued to November 18, 2003

Action: \_\_\_\_\_

*Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Final Environmental Impact Report described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.*

**(Only one of the following two motions should be adopted.)****47. 031628 [Affirm certification of final environmental impact report for the 201 Folsom Street Project]**

Motion affirming the Planning Commission certification of the final environmental impact report for the 201 Folsom Street Project.

(Clerk of the Board)

10/21/2003, CONTINUED. Continued to November 18, 2003

Question: Shall this Motion be ADOPTED?

**48. 031629 [Reverse certification of final environmental impact report for the 201 Folsom Street Project.]**

Motion reversing the Planning Commission certification of the final environmental impact report for the 201 Folsom Street Project.

(Clerk of the Board)

10/21/2003, CONTINUED. Continued to November 18, 2003

Question: Shall this Motion be ADOPTED?

**49. 031630 [Preparation of findings to reverse certification of the of final environmental impact report for the 201 Folsom Street Project.]**

Motion directing the Clerk of the Board to prepare findings specifying the basis for the Board of Supervisors' reversal of the Planning Commission certification of the final environmental impact report for the 201 Folsom Street Project.

(Clerk of the Board)

10/21/2003, CONTINUED. Continued to November 18, 2003

Question: Shall this Motion be ADOPTED?

**SPECIAL ORDER 6:00 P.M.**

50. 031783 [Public Hearing - Appeal, 32 Uranus Terrace, San Francisco Tentative Subdivision Map]  
Hearing of persons interested in or objecting to the decision of the Department of Public Works dated October 20, 2003, approving Tentative/Parcel Map to legalize the proposed construction of a two unit new condominium project in Assessor's Block 2655, Lot 03, at 32 Uranus Terrace, San Francisco.  
(Filed October 23, 2003, companion measure to Files 031784, 031785, 031786; District 8.)

Action: \_\_\_\_\_

*Provided to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Tentative Subdivision Map described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.*

**(Only one of the following two motions should be adopted.)**

51. 031784 [32 Uranus Terrace Tentative Subdivision Map]  
Motion approving decision of the Director of Public Works, approving Tentative Subdivision Map to legalize the construction of a two unit new condominium project in Assessor's Block 2655, Lot 03, at 32 Uranus Terrace, San Francisco.  
(Clerk of the Board)
- Question: Shall this Motion be ADOPTED?
52. 031785 [32 Uranus Terrace Tentative Subdivision Map]  
Motion disapproving decision of the Director of Public Works, approving Tentative Subdivision Map to legalize the construction of a two unit new condominium project in Assessor's Block 2655, Lot 03, at 32 Uranus Terrace, San Francisco.  
(Clerk of the Board)
- Question: Shall this Motion be ADOPTED?
53. 031786 [Findings - 32 Uranus Terrace Tentative Subdivision Map]  
Motion directing the Clerk of the Board to prepare findings relating to Tentative Subdivision Map to legalize the construction of a two unit new condominium project in Assessor's Block 2655, Lot 03, at 32 Uranus Terrace, San Francisco.  
(Clerk of the Board)

Question: Shall this Motion be ADOPTED?



## COMMITTEE REPORTS

*Reports from committees, if any, recommending emergency or urgent measures.*

*The following items will be considered by the Rules Committee at a Special Meeting on Wednesday, November 12, 2003. The Chair intends to request the Committee to send the following items to the Board as a committee report.*

54.      031766      **[Appointment, Public Utilities Commission]**  
Motion approving the Acting Mayor's appointment of Adam Werbach to the Public Utilities Commission, for the term expiring January 15, 2007.  
(Mayor)
- Question: Shall this Motion be ADOPTED?
55.      031767      **[Appointment, Public Utilities Commission]**  
Motion rejecting the Acting Mayor's appointment of Adam Werbach to the Public Utilities Commission.  
(Mayor)
- Question: Shall this Motion be ADOPTED?
56.      031768      **[Appointment, Public Utilities Commission]**  
Motion taking no position concerning the Acting Mayor's appointment of Adam Werbach to the Public Utilities Commission, for term ending January 15, 2007.  
(Mayor)
- Question: Shall this Motion be ADOPTED?

## 57. ROLL CALL FOR INTRODUCTIONS

*Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, letters of request to the City Attorney and Board Members' reports on their regional body activities.*

## 58. PUBLIC COMMENT

*An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes.*

**FOR ADOPTION WITHOUT COMMITTEE REFERENCE**

*These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.*

**Items 59 through 67**

59.      031821    **[Calling a March 2, 2004 Special Election on Regional Measure 2]**  
**Supervisor Daly**  
Resolution calling for a special election to be conducted in the City and County of San Francisco on the question of whether voters shall approve a \$1 bridge toll increase on the seven state-owned bridges in the San Francisco Bay Area with the funds to be used for a Regional Traffic Relief Plan, as defined in Senate Bill 916 (Perata).
- 11/4/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**
60.      031822    **[Accept-Expend State Grant]**  
**Supervisor Maxwell**  
Resolution authorizing the Port of San Francisco to accept and expend a grant in the amount of Ninety-Five Thousand Dollars (\$95,000.00) from the State of California, Department of Boating and Waterways, Abandoned Watercraft Fund, for the removal, and disposal of abandoned, wrecked or dismantled vessels or partially submerged objects within the Port's jurisdiction.
- 11/4/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**
61.      031823    **[Supporting Fuel Cell Pilot Project at Airport]**  
**Supervisor McGoldrick**  
Resolution urging the Airport Director to initiate with other relevant departments a Fuel Cell Pilot Project at San Francisco International Airport (SFIA) in conjunction with the U.S. Department of Transportation (USDOT), Federal Aviation Administration (FAA), and the California Public Utilities Commission (CPUC) to enhance and improve the reliability and security of critical air traffic and airport operations at SFIA.
- 11/4/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**
62.      031824    **[S.S. Jeremiah O'Brien]**  
**Supervisor Peskin**  
Resolution urging the Port of San Francisco to enter into a 10-year lease with the S.S. Jeremiah O'Brien at its current berth on Pier 45.
- 11/4/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**

63. 031809 **[Final Map for a 6 Unit Residential Condominium Project]**  
Motion approving Final Map of 52 Sheridan Street, A Residential Condominium Project, being a subdivision of Lot 34 in Assessor's Block No. 3519, and adopting findings pursuant to Planning Code Section 101.1.  
(Public Works Department)  
(No Public Benefit Recipient; DPW Order No. 174,500; District 6.)  
  
11/3/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING  
**Question: Shall this Motion be ADOPTED?**
64. 031820 **[Needle Exchange Emergency]**  
**Supervisors Ammiano, Newsom, Daly, Peskin, McGoldrick, Maxwell, Dufty**  
Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.  
  
11/4/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING  
**Question: Shall this Motion be ADOPTED?**
65. 031825 **[Authorizing preparation of a written Proponent ballot argument and rebuttal argument on the Tax-deferred Transfer of Accrued Vacation, Sick Leave and Other Compensation to Employees Charter Amendment File No. 031547 on the March 2, 2004 ballot]**  
**Supervisor Sandoval**  
Motion authorizing Supervisor Gerardo C. Sandoval to submit and sign a written Proponent argument and rebuttal argument for the Tax-deferred Transfer of Accrued Vacation, Sick Leave and Other Compensation to Employees Charter Amendment File No. 031547 for publication in the voter information pamphlet for the March 2, 2004 election.  
  
11/4/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
**Question: Shall this Motion be ADOPTED?**
66. 031849 **[City's Consolidated Annual Financial Report (CAFR)]**  
**Supervisor Daly**  
Resolution authorizing the Controller to print the City's Consolidated Annual Financial Report (CAFR) on an annual basis as well as posting it on the web.  
  
11/12/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
**Question: Shall this Resolution be ADOPTED?**
67. 031850 **[Public Hearing Approval]**  
**Supervisor Hall**  
Resolution approving the issuance and sale of revenue bonds by the ABAG Finance Authority for Nonprofit Corporations in an aggregate principal amount not to exceed \$60,000,000 for the Music Concourse Community Partnership.  
  
11/12/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
**Question: Shall this Resolution be ADOPTED?**

*Questions on the For Adoption Without Committee Reference  
Agenda*

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## 68. IMPERATIVE AGENDA

*Resolutions (1) if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes on a unanimous 6 or 7. A unanimous vote is required for the resolution(s).*

*[Serious Injury Finding]*

*Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."*

*[Purely Commendatory Finding]*

*Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.*

*[Brown Act Finding]*

*Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.*

*[Imperative Resolutions, if any]*

## OFF-AGENDA LEGISLATION

## PROPOSED ORDINANCES

*Proposed ordinances received from October 28, 2003 through November 10, 2003, for reference by President to appropriate committee on November 18, 2003.*

### 031799 [Settlement of Lawsuit - Curtis McGlothlin]

Ordinance authorizing settlement of the lawsuit filed by Curtis McGlothlin against the City and County of San Francisco for \$165,000; the lawsuit was filed on August 7, 2002 in San Francisco Superior Court, Case No. 411-241; entitled Curtis McGlothlin, et al., v. City and County of San Francisco, et al.

(City Attorney)

(Public Benefit Recipient.)

11/3/2003. RECEIVED AND ASSIGNED to Rules Committee.

**031807 [Settlement of Lawsuit - Teresa Lau]**

Ordinance authorizing settlement of the lawsuit filed by Teresa Lau against the City and County of San Francisco for \$93,500; the lawsuit was filed on September 27, 2001 in San Francisco Superior Court, Case No. 324-939; entitled Teresa Lau, et al., v. City and County of San Francisco, et al. (City Attorney)  
(Public Benefit Recipient.)

11/3/2003, RECEIVED AND ASSIGNED to Rules Committee.

**031832 [Designating 2926-2948 16th Street, the Labor Temple/Redstone Building, As a Landmark Under Planning Code Article 10]**

Ordinance Designating 2926-2948 16th Street, the Labor Temple/Redstone Building, As Landmark No. 238 Pursuant To Article 10, Sections 1004 And 1004.4 Of The Planning Code.  
(Planning Department)  
(No Public Benefit Recipient.)

11/6/2003, RECEIVED AND ASSIGNED to Land Use Committee.

**031833 [Denying taxi driver permits to applicants having certain criminal convictions within four years]**

Ordinance amending the San Francisco Police Code by amending Section 1089, to provide that persons having certain criminal convictions shall not be eligible to receive a taxi driver permit for four years after the date of conviction.  
(Taxi Commission)  
(No Public Benefit Recipient.)

11/4/2003, RECEIVED AND ASSIGNED to Land Use Committee.

## PROPOSED RESOLUTIONS

*Proposed resolutions received from October 28, 2003 through November 10, 2003, for reference by President to appropriate committee on November 18, 2003.*

**031808 [Prevailing Wage Rates]**

Resolution fixing prevailing wage rates for workers performing work under City contracts for public work and improvement; workers performing work under City contracts for janitorial services; and workers in public off-street parking lots, garages, or storage facilities for automobiles on property owned or leased by the City.  
(Civil Service Commission)  
(No Public Benefit Recipient.)

10/31/2003, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031810 [Pedestrian Injury Surveillance]**

Resolution authorizing the San Francisco Department of Public Health (SFPDH), to accept retroactively and expend a grant in the amount of \$99,350 from the Centers for Disease Control and Prevention (CDC) to analyze pedestrian injury patterns and evaluate the effectiveness of countermeasures and to enter into an agreement for the use of these funds; for the period of September 1, 2003, to August 31, 2004

(Public Health Department)

(No Public Benefit Recipient.)

11/1/2003, RECEIVED AND ASSIGNED to City Services Committee

**031831 [Agreement to exchange real property]**

Resolution approving and authorizing agreements for the exchange of certain real property with the State of California; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the conveyance is consistent with the City's general plan and eight priority policies of City Planning Code section 101.1; and authorizing the Director of Property to execute documents and take certain actions in furtherance of this resolution.

(Real Estate Department)

(Public Benefit Recipient.)

11/6/2003, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031844 [Contract funds for a safety trial of Tenofovir as a pre-exposure prophylaxis among high-risk men who have sex with men]**

Resolution authorizing the San Francisco Department of Public Health (SFPDH) to enter retroactively into an agreement with Public Health Foundation Enterprises, Inc. (PHFE), the primary contractor, and expend funds in the amount of \$100,929 for a safety trial of Tenofovir as a pre-exposure prophylaxis among high-risk men who have sex with men; for the period of October 1, 2003 to September 30, 2004.

(Public Health Department)

(No Public Benefit Recipient.)

11/7/2003, RECEIVED AND ASSIGNED to City Services Committee.

**031845 [Accept-Expend Regional Grant]**

Resolution authorizing the Airport Commission to accept and expend two (2) grants totaling \$248,000 from the Bay Area Air Quality Management District (Air District) for acquisition of clean air vehicles by Airport transportation operators.

(Airport Commission)

(No Public Benefit Recipient.)

11/10/2003, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031848 [Accept-Expend Federal Grant]**

Resolution authorizing the Sheriff's Department: to accept and expend a three-year grant in the amount of \$1,229,622 from the U.S Department of Education for providing a life skills program to women offenders.

(Sheriff)

(Public Benefit Recipient.)

11/12/2003, RECEIVED AND ASSIGNED to City Services Committee.

**031851 [Transfer State funds to CMHDA for contract services to improve access to mental health treatment for children in foster care and other children placed outside of San Francisco]**

Resolution endorsing the transfer of State general funds from the State to the California Mental Health Directors Association for a contract to provide services to foster care and other Medi-Cal eligible children placed outside of San Francisco, for the period of July 1, 2003 through June 30, 2004.

(Public Health Department)

(Public Benefit Recipient.)

11/12/2003. RECEIVED AND ASSIGNED to Finance and Audits Committee. Department requests this item be scheduled for consideration at the November 26, 2003 meeting.

**031867 [Petitions and Communications]**

Petitions and Communications received from October 28, 2003 through November 10, 2003, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on November 18, 2003.

From Department of Elections, submitting the Official Statement of Vote for the October 7, 2003 Statewide Special Election. Copy: Each Supervisor (1)

From Office of the Mayor, regarding appointments to the Public Utilities Commission. Copy: Each Supervisor (2)

From Department of Public Health, reporting on the rate of expenditures for the quarter ending September 30, 2003 for SF General Hospital and jail health services. (3)

From Department of Public Health, reporting on beverage and snack vending machine usage and preference at the Department. (Reference No. 20030923-043) Copy: Supervisor Peskin (4)

From Residential Rent Stabilization and Arbitration Board, submitting copy of the department's efficiency plan, pursuant to Section 88.4 of the Administrative Code. Copy: Each Supervisor (5)

From Office of the Sheriff, submitting copy of the department's efficiency plan, pursuant to Section 88.4 of the Administrative Code. Copy: Each Supervisor (6)

From SF International Airport, submitting Efficiency Plan for fiscal year 2003-04. Copy: Each Supervisor (7)

From Office of the City Attorney, submitting Efficiency Plan for fiscal year 2003-04. Copy: Each Supervisor (8)

From Department of submitting information regarding the Consolidated Municipal Election for November 4, 2003. Copy: Each Supervisor (9)

From Emergency Communications Department, submitting Efficiency Plan for fiscal year 2003-04. Copy: Each Supervisor (10)

From Office of the Treasurer & Tax Collector, submitting Efficiency Plan, Customer Service Plan, Strategic Planning and Performance Measures for fiscal year 2003 through 2006. Copy: Each Supervisor (11)

From Recreation and Park Department, submitting Efficiency Plan for fiscal year 2003-04. Copy: Each Supervisor (12)

From Ethics Commission, submitting Efficiency Plan for fiscal year 2003 through 2006. Copy: Each Supervisor (13)

From Department of Aging and Adult Services, submitting Efficiency Plan for fiscal year 2003-04. Copy: Each Supervisor (14)

From Fine Arts Museums of San Francisco, submitting Efficiency Plan, Customer Service Plan, Strategic Planning and Performance Measures for fiscal year 2003-04. Copy: Each Supervisor (15)

From Department of Elections, submitting brief summary of the Department of Elections' response to questions and testimony presented at the Rules Committee meeting of October 31, 2003. (16)

From Department of Human Resources, regarding expenditures and results of the MCCP and the David M. Griffith and Associates classification study. (17)



From Arts Commission, submitting quarterly report pursuant to Section 24 of the Annual Appropriation Ordinance and the Controller's October 16, 2003 letter dated "High Level Financial Reports for quarter ending September 30, 2003. (18)

From Office of the Public Defender, submitting Efficiency Plan for fiscal year 2003-04. Copy: Each Supervisor (19)

From Fire Department, submitting Efficiency Plan for fiscal year 2003-04. Copy: Each Supervisor (20)

From Mayor's Office of Criminal Justice, submitting copy of the Juvenile Justice Crime Prevention Act Annual Report.. (21)

From Clerk of the Board, submitting Efficiency Plan for fiscal year 2003-04. Copy: Each Supervisor (22)

From Department of Building Inspection, submitting Efficiency Plan for fiscal year 2003-04. Copy: Each Supervisor (23)

From Department on the Status of Women, submitting Efficiency Plan for fiscal year 2003-04. Copy: Each Supervisor (24)

From Adult Probation Department, submitting Efficiency Plan for fiscal year 2003-04. Copy: Each Supervisor (25)

From concerned citizens, submitting opposition to tentative subdivision map to legalize the construction of a two-unit new condominium project at 32 Uranus Terrace. File 031785 (26)

From Department of Public Health, submitting Efficiency Plan for fiscal year 2003-04. Copy: Each Supervisor (27)

From Department of Public Works, submitting Efficiency Plan for fiscal year 2003-04. Copy: Each Supervisor (28)

From Office of the Treasurer and Tax Collector, submitting Bureau of Delinquent Revenue Quarterly Report for the period July 1, 2003 through September 30, 2003. (29)

From Office of the Controller, submitting Efficiency Plan for fiscal year 2003-04. Copy: Each Supervisor (30)

From Board of Appeals, submitting Efficiency Plan for fiscal year 2003-04. Copy: Each Supervisor (31)

From Planing Department, submitting Efficiency Plan for fiscal year 2003-04. Copy: Each Supervisor (32)

From Port of San Francisco, submitting Efficiency Plan for fiscal year 2003-04. Copy: Each Supervisor (33)

From Department of Child Support Service, submitting Efficiency Plan for fiscal year 2003 through 2006. Copy: Each Supervisor (34)

From SF Employees' Retirement System, submitting Efficiency Plan for fiscal year 2003-04. Copy: Each Supervisor (35)

From Adult Probation Department, submitting spending plan for fiscal year 2003-04. (36)

From Department of Telecommunications and Information Services, regarding the development of the remaining 11 upstream cable installations available to the City. (37)

From Law Library, submitting Efficiency Plan for fiscal year 2003-04. Copy: Each Supervisor (38)

From Planning Department, submitting Efficiency Plan for fiscal year 2003-04. Copy: Each Supervisor (39)

From Election Systems & Software, regarding the status of the Instant Runoff Voting or Ranked Choice Voting Implementation Project. Copy: Each Supervisor (40)

From Municipal Transportation Agency, submitting Efficiency Plan for fiscal year 2003-04. Copy: Each Supervisor (41)

From Department of Telecommunications and Information Services, submitting spending plan for fiscal year 2003-04. (42)

From Fine Arts Museums of San Francisco, reporting on beverage and snack vending machine usage and preference at the Department. (Reference No. 20030923-040) Copy: Supervisor Peskin (43)

From Youth Commission, submitting support for resolution urging the Department of Public Health to expand San Francisco's Healthy Kids Program to uninsured youth ages 19-24. File 031635 (44)

From McCarthy, Johnson & Miller Law Corporation, on behalf of SF Firefighters Union Local 798 request the Rules Committee and Board of Supervisors remove the proposed amendments to Charter Section A.8.590-5 from consideration. Copy: Each Supervisor (45)

From Recreation and Park Department, submitting opposition to proposed Charter amendment appointing a "City Engineer" to be responsible for the design and construction management of all public buildings and public works projects in San Francisco. File 031560, Copy: Rules Committee (46)

From SF Redevelopment Agency, submitting copy of the final Transbay Redevelopment Project Design for Development report. (47)

From Police Department, submitting Efficiency Plan for fiscal year 2003 through 2006. (48)

From Municipal Transportation Agency, reporting on the status of the Muni Metro East Project. Copy: Each Supervisor (49)

From Arts Commission, reporting on beverage and snack vending machine usage and preference at the Department. (Reference No. 20030923-032) Copy: Supervisor Peskin (50)

From Recreation and Park Department, reporting on beverage and snack vending machine usage and preference at the Department. (Reference No. 20030923-047) Copy: Supervisor Peskin (51)

From Office of the Controller, submitting notice that the Controller has reviewed the following permit fees and assessment schedules proposed by the Department of Public Works: Underground Vault Encroachment, Display Merchandise and Café Tables and Chairs. (52)

From Comcast Cable Communications, submitting notice of six new channels in the Cable Latino Optimo and Cable Latino Complete packages and introduced the Selecto Total a-la-carte package to cable customers in San Francisco. (53)

From Department of Child Support Services, submitting budget report for the first quarter of fiscal year 2003-04. (54)

From Port, submitting budget report for the first quarter of fiscal year 2003-04. (55)

From Law Library, submitting budget report for the first quarter of fiscal year 2003-04. (56)

From Department of Public Health, submitting notice of completed annual report for fiscal year 2002-03 that can be accessed at the following website [dph.sf.ca.us/Reports/PPRpts.htm](http://dph.sf.ca.us/Reports/PPRpts.htm). (57)

From Law Library, reporting on beverage and snack vending machine usage and preference at the Department. (Reference No. 20030923-006) Copy: Supervisor Peskin (58)

From Office of the Controller, submitting report concerning the audit of Muni's revolving fund. (59)

From State Board of Equalization, submitting fiscal year 2002-03 Property Taxpayers' Bill of Rights Annual Report. (60)

From Department of Telecommunications and Information Services, reporting on beverage and snack vending machine usage and preference at the Department. (Reference No. 20030923-052) Copy: Supervisor Peskin (61)

From Office of the Treasurer & Tax Collector, reporting on beverage and snack vending machine usage and preference at the Department. (Reference No. 20030923-019) Copy: Supervisor Peskin (62)

From MUNI, submitting budget report for the first quarter of fiscal year 2003-04. (63)

From War Memorial and Performing Arts Center, submitting Efficiency Plan for fiscal year 2003-04. Copy: Each Supervisor (64)

From Concerned Neighbors on Fillmore, Filbert and Lyon Streets, submitting copy of letter sent to the State Department of Transportation regarding PG&E's request to modify its revocable encroachment permit to make use of an abandoned natural gas service tube to cross Highway 101 at Fillmore Street. (65)

From PG&E, submitting the names of three transportation customer accounts that are more than 90 days delinquent. (66)

From US Army Corps of Engineers, regarding request for a ten-year permit to maintenance dredge of the Benicia Port Terminal Berth near the City of Benicia to return the port terminal to its originally permitted depth to allow safe navigational depths for berthing, mooring and unloading vessels. (67)

**031868 [Petitions and Communications #2]**

Petitions and Communications received from October 28, 2003 through November 10, 2003, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on November 18, 2003, Week 2.

From Human Rights Commission, submitting quarterly report on departmental performance in implementing Chapter 12D A of the Administrative Code. (1)

From Budget Analyst, submitting management audit report of the Controller's Office. (2)

From Department of Children, Youth and Their Families, submitting Efficiency Plan for fiscal year 2003-04. (3)

From Department of Telecommunications and Information Services, submitting Efficiency Plan for fiscal year 2003-04. (4)

From Public Utilities Commission, submitting Efficiency Plan for fiscal year 2003-04. (5)

From Department of Administrative Services, submitting Efficiency Plan for fiscal year 2003-04. (6)

From Office of Contract Administration, submitting Efficiency Plan for fiscal year 2003-04. (7)

From concerned citizens, submitting support for Adam Werbach and Robin Chiang to the Public Utilities Commission. (8)

From Department of Human Resources, submitting Efficiency Plan for fiscal year 2003-04. (9)

From Steinhart Aquarium, submitting Efficiency Plan for fiscal year 2003-04. (10)

From James Chaffee, submitting letter entitled "Library Prevents Public Discussion" dated November 10, 2003. Copy: Each Supervisor (11)

From Office of the City Attorney, regarding validity of appointments made by the Acting Mayor to the Public Utilities Commission. Copy: Each Supervisor (12)

From Mayor's Office of Housing, regarding the Extra Credit Home Purchase Program. (13)

From Brandt-Hawley Law Group, appealing the Final Mitigated Negative Declaration for 701 Lombard Street. (14)

From Department of Public Finance, submitting request for waiver of Chapters 12A and 12B of the Administrative Code for Financial Security Assurance. (15)

From Matthew Shelton, submitting request for a Type 42 (On Sale Beer/Wine License) for Shelton Theater at 533 Sutter Street. (16)

From Supervisor Ammiano, submitting resignation of Gloria Vasquez to the Park and Open Space Advisory Committee and appointment of Alfredo Pedroza to Seat 2 of the Park and Recreation Open Space Advisory Committee. (17)

From Department of Public Works, regarding the feasibility of continuing the concrete sidewalk along Alemany Boulevard between Congdon and Trumbull Streets. (Reference No. 20030916-001) Copy: Supervisor Sandoval (18)

From Fire Department, submitting notice that the Fire Department is moving forward with efforts to seismically retrofit Firehouse #33 in District 11. (19)

From Department of Parking and Traffic, regarding request for a pedestrian and vehicular safety evaluation along Laurel Street, between California Street and Euclid Avenue. (Reference No. 20030916-003) Copy: Supervisor Newsom (20)

From Abdalla Megahed, regarding the Holy Month of Ramadan for Moslem employees of the City and County of San Francisco. (21)

From Recreation and Park Department, submitting quarterly report on Lead Prevention Poisoning. Copy: Supervisors Maxwell, Daly (22)

From Ethics Commission, submitting Third Quarter Summary of Earnings and Expenses of Lobbyists registered with the City during the period of July 1 through September 30, 2003. Copy: Each Supervisor (23)

From Planning Department, regarding the Cruise Terminal Mixed-use Project and Brannan Street Wharf Project Notice of Determination. (24)

From Clerk of the Board, regarding the passage of Proposition D (Small Business Commission) on the November 4, 2003 ballot. Copy: Each Supervisor (25)

From Office of the Sheriff, submitting the first Quarterly Expenditure Report for fiscal year 2003-04. (26)

From Department of Parking and Traffic, submitting Quarterly Tow Refund Report for the first quarter of fiscal year 2003-04. (27)

From U.S. Department of Justice, regarding the status of the case for Ciaran Ferry. File 031513. Copy: Supervisor Daly (28)

From Department of Public Works, submitting list of the sole source contracts awarded by the Department of Public Works for fiscal year 2002-03. (29)

From Board of Appeals, regarding beverage and snack vending usage and preferences for the Board of Appeals. (Reference No. 20030923-035) Copy: Supervisor Peskin (30)

From Taxi Commission, submitting Efficiency Plan for fiscal year 20203-04. (31)

From Office of the Treasurer, submitting investment activity (for fiscal year to date) of the portfolios under management. (32)

From NAMI San Francisco, submitting newsletter entitled "Out of the Fog" for November/December 2003. (33)

From PG&E, submitting the names of transportation customer accounts that are more than 90 days delinquent. (34)

From State Department of Business, Transportation and Housing Agency, regarding the annual California Drunk and Drugged Driving Prevention Month to be held throughout December 2003. (35)

From Cow Hollow Association Inc., regarding the proposed underground power line upgrade to the Letterman Digital Arts Center. (36)

Four Russian Hill Neighbors, submitting support for acquiring the "Triangle" also known as 701 Lombard Street to expand the heavily used North Beach Playground and library branch. File 031554 (37)

From concerned citizens, submitting opposition to appointments made by Acting Mayor to the Public Utilities Commission. (38)

## ADJOURNMENT

### Legislation Pending Under the "30 Day Rule"

These items may not be heard by Committee until the date in the right hand column

As Revised

November 13, 2003

Rule 5.40 provides that when an ordinance or resolution is introduced which would create or revise major city policy the committee to which the legislation is assigned shall not consider the legislation until at least thirty days after the date of introduction. The provisions of this rule shall not apply to the routine operations of the departments of the City or when a legal time limit controls the hearing timing. In general the rule shall not apply to hearings to consider subject matter when no legislation has been presented, nor shall the rule apply to resolutions which simply urge action to be taken

Ordinance prohibiting on demolition of residential buildings with 20 or more dwelling units unless the residential building proposed for demolition requires substantial rehabilitation	031739	Land Use Committee	Supervisor Daly	10/21/03	11/21/03
Ordinance revising permit fees and planning review surcharges applicable to permits and review activities subject to review by the Board of Appeals	031747	Finance and Audits Committee	Supervisor Peskin	10/21/03	11/21/03
Ordinance restricting post-employment restrictions for former City Employees	031655	Rules Committee	Supervisor Newsom	10/21/03	11/21/03
Ordinance regarding campaign consultants lobbying current and former clients	0316456	Rules Committee	Supervisor Newsom	10/21/03	11/21/03
Ordinance to eliminate certain zoning requirements for residential uses in the Downtown consistent with a proposed ordinance to facilitate housing in the Downtown	031791	Land Use Committee	Supervisor Peskin	10/28/03	11/28/03
Ordinance to limit permissible rent increases under a landlord's operating and maintenance petitions to a total of 7% for any unit in any five-year period	031792	Land Use Committee	Supervisor Peskin	10/28/03	11/28/03
Ordinance amending Rincon Hill Area Plan; General Plan Amendment	031770	Land Use Committee	Planning Department	11/4/03	12/4/03

Ordinance Zoning Map Amendment Spear Harrison, Beale and Folsom Streets	031771	Land Use Committee	Planning Department	11/4/03	12/4/03
Ordinance establishing Residential Commercial Subdistrict in Rincon Hill Area	031772	Land Use Committee	Planning Department	11/4/03	12/4/03





Board of Supervisors  
City and County of San Francisco  
1 Dr Carlton B Goodlett Place-Room 244  
San Francisco, CA 94102-4689

# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO AGENDA



DOCUMENTS DEPT.

NOV 21 2003

SAN FRANCISCO  
PUBLIC LIBRARY

11-21-03 AMB:SW RCVD

Legislative Chamber - Second Floor  
City Hall, 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

Tuesday, November 25, 2003 2:00 PM

## Regular Meeting

MATT GONZALEZ, PRESIDENT  
TOM AMMIANO, CHRIS DALY, BEVAN DUFTY, TONY HALL,  
FIONA MA, SOPHIE MAXWELL, JAKE MCGOLDRICK,  
GAVIN NEWSOM, AARON PESKIN, GERARDO SANDOVAL

Gloria L. Young, Clerk of the Board

Agendas of the Board of Supervisors are available on the internet at [www.ci.sf.ca.us/bdsuprvs](http://www.ci.sf.ca.us/bdsuprvs)

## BOARD COMMITTEES

### Committee Membership

**Budget Committee**  
Supervisors Daly, Maxwell, Peskin

**City and School District Select Committee**  
Supervisors Maxwell, Ammiano, Ma, Commissioners Cruz, Sanchez, Kelly

**City Services Committee**  
Supervisors Dufty, Ma, Newsom

**Finance and Audits Committee**  
Supervisors Peskin, Sandoval, McGoldrick

**Land Use Committee**  
Supervisors McGoldrick, Maxwell, Ammiano

**Rules Committee**  
Supervisors Hall, Dufty, Gonzalez

### Meeting Days

Thursday  
1:00 PM

2nd Monday, bi-monthly  
4:00 PM

Thursday  
9:30 AM

Wednesday  
12:30 PM

Monday  
1:00 PM

Wednesday  
9:30 AM

## Board Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4) standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

Agenda are available on the internet at [www.sfgov.org/bdsupvrs.bos.htm](http://www.sfgov.org/bdsupvrs.bos.htm).

THE AGENDA PACKET IS AVAILABLE AT CITY HALL, ROOM 244, RECEPTION DESK.

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Results of each Board meeting can be obtained about a half hour after the end of the meeting by telephoning (415) 554-5555.

Requests for language translation at a meeting must be received no later than noon the Friday before the meeting. Contact Ohn Myint at (415) 554-7704.

AVISO EN ESPAÑOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

**翻譯 必須在會議前最少四十八小時提出要求**  
**請電 (415) 554-7701**

## Disability Access

The Legislative Chamber of the Board of Supervisors is in Room 250 of City Hall, 1 Dr. Carlton B. Goodlett Place. The Chamber is wheelchair accessible.

The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.

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All meetings are real-time captioned and are cablecast open-captioned on SF Cable 26.

The following services are available when requests are made by 4:00 p.m. of the Friday before the Board meeting. This advance notice will help ensure availability.

· For American Sign Language interpreters or use of a reader during a meeting, contact Ohn Myint at (415) 554-7704.

· For a large print copy of agenda or minutes in alternative formats, contact Annette Lonich at (415) 554-7706.

Assistive listening devices are available from the receptionist in the Clerk of the Board's Office, Room 244, prior to the meeting.

The Clerk of the Board's Office TTY number is (415) 554-5227.

In order to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

### **Know Your Rights Under the Sunshine Ordinance**

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Donna Hall by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at [Donna.Hall@sfgov.org](mailto:Donna.Hall@sfgov.org)

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Ms. Hall or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine.htm>

### **Lobbyist Registration and Reporting Requirements**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site [www.sfgov.org/ethics](http://www.sfgov.org/ethics)

## ROLL CALL AND PLEDGE OF ALLEGIANCE

## APPROVAL OF MEETING MINUTES

*Motion to approve October 28, 2003 Meeting Minutes.*

## AGENDA CHANGES

## COMMUNICATIONS

*Note: Each item on the Consent or Regular agenda may include the following documents:*

- 1) Legislation*
- 2) Budget Analyst report*
- 3) Legislative Analyst report*
- 4) Department or Agency cover letter and/or report*
- 5) Public correspondence*

*These items will be available for review at City Hall, Room 244, Reception Desk.*

## CONSENT AGENDA

*All matters listed hereunder constitute a Consent Agenda, are considered to be routine by the Board of Supervisors and will be acted upon by a single roll call vote of the Board. There will be no separate discussion of these items unless a member of the Board so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.*

### Items 1 through 5

### Recommendation of the Budget Committee

*Present: Supervisors Daly, Maxwell, Peskin*

1. 031793 [Financial Privacy]  
Supervisor Peskin

Ordinance amending Section 2000 of Article 20 of the Business and Tax Regulation Code, the "San Francisco Financial Information Privacy Ordinance," to postpone the date upon which Article 20 is set to become operative from January 1, 2004 to July 1, 2004.

11/18/2003, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

## **Recommendation of the Finance and Audits Committee**

*Present: Supervisors Peskin, Sandoval, McGoldrick*

2.      031657    **[Appropriation of funding and creation of special fund for the Octavia Boulevard Project]**  
**Supervisor Peskin**  
Ordinance appropriating \$12,903,999 from the land sales to the San Francisco Redevelopment Agency and \$1,106,631 in lease revenues from the Central Freeway land parcels for a total of \$14,010,630 to fund the construction of Octavia Boulevard and related ancillary projects for the Department of Public Works for fiscal year 2003-04.  
(Mayor)  
(Fiscal impact; No Public Benefit Recipient.)

11/18/2003, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

## **Recommendations of the Land Use Committee**

*Present: Supervisors McGoldrick, Maxwell, Ammiano*

3.      031603    **[Generation Solar: Residential and Commercial Solar Program]**  
**Supervisors Ammiano, McGoldrick, Maxwell, Daly, Gonzalez**  
Ordinance requiring the Public Utilities Commission and the Department of the Environment in consultation with other City departments to implement Generation Solar, a solar program for the residential and commercial sectors.  
(No Public Benefit Recipient.)
- 11/18/2003, PASSED ON FIRST READING. Supervisors Daly and Gonzalez requested to be added as co-sponsors.  
Question: Shall this Ordinance be FINALLY PASSED?
4.      031694    **[Traffic Code - Amending Section 32.1.1 to update location of Main Public Library]**  
Ordinance amending Section 32.1.1 of the San Francisco Traffic Code to update the location of parking restrictions on the blocks adjacent to the San Francisco Main Library.  
(Parking and Traffic Department)  
(No Public Benefit Recipient.)

11/18/2003, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

### Recommendation of the Rules Committee

*Present: Supervisors Hall, Gonzalez*

5.        031662    [Settlement of Claim]  
Resolution approving the settlement of the unlitigated claim filed by Fireman's Fund Insurance Company and Richard Dennes against the City and County of San Francisco.  
(Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

*Questions on the Consent Agenda are on final passage, first reading, or adoption, as indicated: \_\_\_\_\_*



## REGULAR AGENDA

## UNFINISHED BUSINESS

### From the Clerk

6. 031895 [Adopting findings related to the tentative subdivision map appeal on property located at 32 Uranus Terrace]  
Motion adopting findings related to the appeal of the decision of the Department of Public Works approving a tentative map that legalizes the proposed construction of a two unit new condominium project at 32 Uranus Terrace (Lot 3 in Assessor's Block 2655).  
(Clerk of the Board)  
(Companion measure to Files 031783, 031784, 031785, 031786.)

11/19/2003, REFERRED to Board of Supervisors.

Question: Shall this Motion be ADOPTED?

### From the Budget Committee "Without Recommendation"

*Present: Supervisors Daly, Maxwell, Peskin*

7. 031811 [Development and Lease of Piers 27-31]  
Supervisors Peskin, Gonzalez  
Resolution urging the Port Commission not to Extend the Exclusive Right to Negotiate Agreement with the Mills Corporation and to Re-issue the Request for Proposals for the Development and Lease of Piers 27-31 as a Mixed-Use Recreation Project.

11/18/2003, CONTINUED. Continued to November 25, 2003

Supervisor Gonzalez requested to be added as a co-sponsor.

Question: Shall this Resolution be ADOPTED?

### Recommendations of the City Services Committee

*Present: Supervisors Dufty, Ma*

8. 030995 [Licensing and regulation of massage practitioners and businesses]  
Supervisors Daly, Peskin, Dufty, Ma, Gonzalez, Ammiano  
Ordinance amending the San Francisco Police Code by repealing Article 27 (Sections 2700 through 2737), and amending the San Francisco Health Code by adding a new Article 29 (Sections 1900 through 1931), both Articles providing for the licensing and regulation of massage practitioners and businesses, and establishing an operative date for the ordinance.

11/18/2003, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

9. 031866 [Waiving Police and Fire fees for Immigrant Pride Day 2003]  
Supervisors Gonzalez, Daly  
Ordinance waiving fees associated with Immigrant Pride Day 2003 assessed by the San Francisco Police and Fire Departments; urging the Municipal Transportation Agency to waive its fees associated with the same event.

11/18/2003, CONTINUED. Continued to November 25, 2003

Question: Shall this Ordinance be PASSED ON FIRST READING?

### Recommendation of the Finance and Audits Committee

*Present: Supervisors Peskin, Sandoval*

10. 031320 [Golden Gate Park Concourse Underground Parking Facility Fees]  
Supervisor Peskin  
Ordinance making environmental findings and amending the San Francisco Park Code by adding Section 12.35 to establish rates for the Golden Gate Park Concourse Underground Parking Facility.

11/18/2003, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

### From the Rules Committee "Without Recommendation"

*Present: Supervisors Hall, Gonzalez*

11. 031561 [Charter Amendment - Allowing the City to reduce the minimum police staffing level after conducting a study of which positions could be filled by civilian personnel rather than sworn officers.]  
Supervisors Ammiano, Daly, Gonzalez  
Charter amendment (Third Draft) to amend Section 4.127 and to add Section 16.123, to: provide for a study of which positions in the Police Department could be filled by civilian personnel rather than sworn officers; allow the City to reduce the minimum police staffing level for each position it converts from sworn to civilian, without decreasing the number of police officers dedicated to neighborhood community policing, patrol, and investigations and without substantially interfering with the delivery of police services or the ability of the Police Department to protect the public in the event of an emergency; and, provide that no police officer shall be laid off in order to convert a position from sworn to civilian.

11/4/2003, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

11/4/2003, CONTINUED AS AMENDED. Continued to November 18, 2003 with the Board Sitting as a Committee of the Whole.

11/18/2003, CONTINUED. Continued to November 25, 2003

Supervisors Daly and Gonzalez requested to be added as co-sponsors.

Question: Shall this Charter Amendment be SUBMITTED?

## NEW BUSINESS

### Recommendations of the Finance and Audits Committee

*Present: Supervisors Peskin, Sandoval, McGoldrick*

12.      031466      **[Creating Exemption for Administrative Fee for Provision of Additional Police Services Pursuant to Administrative Code Section 10B.2.]**

**Supervisors Peskin, Sandoval**

Ordinance amending San Francisco Police Code Section 10B.2 to create an exception for payment of an administrative fee for contracting for additional police services.

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

13.      031643      **[License Agreement with Broadcast Music Incorporated]**

Ordinance authorizing the City Administrator to enter into the Local Government Licensing Agreement negotiated between the International Municipal Lawyer's Association and Broadcast Music Incorporated to license music uses by the City under a license subject to automatic annual renewal for an annual Base License Fee plus 1% of revenue from events in which gross revenue exceeds \$25,000, providing that prior to the issuance by any City Department or agency of any lease or permit to conduct an event on property owned or operated by the City and County of San Francisco at which music will be used, the leasee or permittee shall obtain an appropriate license from Broadcast Music Incorporated for the use of music at the event, and requiring that if an appropriate license for the use of music at the event is not obtained by the leasee or permittee, the City department or agency issuing the lease or permit shall provide funds to the City Administrator sufficient to cover any fees incurred pursuant to the City's Local Government Licensing Agreement with Broadcast Music Incorporated.  
(City Administrator)  
(No Public Benefit Recipient.)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

14.      031703      **[Joint Use Cooperative Agreements between the S.F. Public Library and the SFUSD]  
Supervisor Ammiano**

Resolution approving the Joint Use Cooperative Agreements between the San Francisco Public Library and the San Francisco Unified School District for the purpose of Proposition 14 grant applications to construct the Ingleside, Portola, Visitacion Valley, and Ortega branch libraries.

**Question: Shall this Resolution be ADOPTED?**

## Recommendations of the Rules Committee

*Present: Supervisors Hall, Gonzalez*

15.      031708      **[Citizens Advisory Committee on Elections]  
Supervisor Hall**  
Ordinance amending the San Francisco Municipal Elections Code, by repealing Sections 700 through 760, regarding the Citizens Advisory Committee on Elections.
- Question: Shall this Ordinance be PASSED ON FIRST READING?
16.      031709      **[Dissolving the Advisory Committee on Adult Detention]  
Supervisor Hall**  
Ordinance amending the San Francisco Administrative Code, by repealing Sections 13.70 through 13.75, regarding the Advisory Committee on Adult Detention.
- Question: Shall this Ordinance be PASSED ON FIRST READING?
17.      031704      **[Dissolving the Advisory Committee to Fulfill the Charter Reform Mandate]  
Supervisor Hall**  
Resolution repealing Resolution No. 283-94, to dissolve the "Advisory Committee to Fulfill the Charter Reform Mandate."
- Question: Shall this Resolution be ADOPTED?
18.      031705      **[Dissolving the Citizens Committee for Public Participation In Waste Water Project  
Evaluation]  
Supervisor Hall**  
Resolution repealing Resolution No. 19-73, to dissolve the "Citizens Committee for Public Participation In Waste Water Project Evaluation."
- Question: Shall this Resolution be ADOPTED?
19.      031706      **[Dissolving the National Service Blue Ribbon Commission]  
Supervisor Hall**  
Resolution repealing Resolutions Nos. 300-93 and 894-93, to dissolve the "National Service Blue Ribbon Commission."
- Question: Shall this Resolution be ADOPTED?
20.      031707      **[Dissolving the Ballpark/Arena Advisory Committee]  
Supervisor Hall**  
Resolution repealing Resolution No. 1012-93, to dissolve the "Ballpark/Arena Advisory Committee."
- Question: Shall this Resolution be ADOPTED?

**SPECIAL ORDER 3:30 P.M - Recognition of Commendations****SPECIAL ORDER 4:00 P.M.**

21. 031730 [Public Hearing]  
Hearing of persons interested in or objecting to report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund.  
(Clerk of the Board)

Action: \_\_\_\_\_

22. 031731 [Report of Assessment costs for sidewalk and curb repairs - DPW Order No. 174,392]  
Resolution approving report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund.  
(Public Works Department)  
(No Public Benefit Recipient; DPW Order No. 174,392; Location: 690 Folsom Street.)

Question: Shall this Resolution be ADOPTED?

**SPECIAL ORDER 4:30 P.M.**

23. 031551 [Eminent Domain - Resolution of Necessity - 701 Lombard Street]  
Supervisor Peskin  
Resolution authorizing acquisition of Lot 001 in Assessor's Block 0074 in San Francisco by Eminent Domain for the Neighborhood Park Bond and Open Space Programs, and adopting findings under City Planning Code Section 101.1.

10/7/2003, CONTINUED. Continued to October 21, 2003 at 4:00 p.m.

10/21/2003, CONTINUED. Continued to November 25, 2003

Question: Shall this Resolution be ADOPTED?

## COMMITTEE REPORTS

*Reports from committees, if any, recommending emergency or urgent measures.*

*The following item will be considered by the City Services Committee at a Regular Meeting on Thursday, November 20, 2003. The Chair intends to request the Committee to send the following item to the Board as a committee report.*

24.      031644    [Liquor License, 686 Mission Street]  
Resolution determining that the issuance of a Type 42 on-sale beer and wine license to Mary Lynn Slattery and Nancy Rowland for VinoVenue, located at 686 Mission Street (District 6), will serve the convenience of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code; with conditions.

Question: Shall this Resolution be ADOPTED?

*The following items will be considered by the Land Use Committee at a Regular Meeting on Monday, November 24, 2003. The Chair intends to request the Committee to send the following items to the Board as a committee report.*

25.      021575    [General Plan Amendments - 888 Howard Street Hotel]  
**Supervisors Daly, Sandoval**  
Ordinance amending the San Francisco General Plan in connection with approval of the 888 Howard Street Hotel Project by amending Map 1 (Downtown Land Use and Density Plan) and Map 5 of the Downtown Area Plan of the General Plan to reclassify the use designation of the property located at 888 Howard Street, Lot 066 in Assessor's Block 3724, from C-3-S to C-3-S(SU) and the height and bulk of the property from 160-F to 320-S; adopting findings.  
(Planning Department)

11/18/2003, SUBSTITUTED. Supervisor Daly submitted a substitute ordinance bearing new title.

Question: Shall this Ordinance be PASSED ON FIRST READING?

**26. 021576 [Zoning Map Amendments - 888 Howard Street Hotel]****Supervisors Daly, Sandoval**

Ordinance amending Sheets 1 and 1H of the Zoning Map of the City and County of San Francisco for property located at 888 Howard Street, Lot 066 in Assessor's Block 3724, to change the height and bulk limits of the property from 160-F To 320-S and to change the use district from C-3-S to C-3-S (SU); adopting findings.

(Planning Department)

(Planning Commission Resolution #16410 approving Reclassification Application No. 2000.790ZM dated 5/23/02; Resolution #16420 approving Planning Code Tax Amendments and Reclassification Application No. 2000.790T2M on 6/6/02; Resolution #16408 approving CEQA findings for Application No. 2000.790E on 5/23/02; Motion #16409 approving Conditional Use Application No. 2000.961C on 5/23/02; Motion #16421 approving Section 309 Application No. 2000.790X on 6/6/02; Final Environmental Impact Report dated 1/10/02; Case No. 2000.790EKXCTZM; companion measure to Files 021575, and 021577.)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

**27. 021577 [Planning Code Amendments in connection with 888 Howard Street Hotel Project]****Supervisors Daly, Sandoval**

Ordinance amending the San Francisco Planning Code by amending Sections 102.9, 123, Table 124 and Section 138 and by adding new Section 247, to create a C-3-S(SU) Downtown Support Special Use District within the C-3-S zoning district to allow development of a Hotel Project with a basic and maximum floor area ratio (after purchase of all market-rate, available Transfer Development Rights within the C-3-S zoning district or contribution of an equivalent amount of money under specified conditions) of 7.5 to 1, to include the new C-3-S(SU) zoning district within the definition of "gross floor area" and to provide that the minimum open space requirement for the new C-3-S(SU) zoning district is one square foot for every 50 gross square feet of uses; adopting findings.

(Planning Department)

11/18/2003, SUBSTITUTED. Supervisor Daly submitted a substitute ordinance bearing new title.

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

**28. 031497 [Extending deadlines by ten days for scheduling and/or deciding appeals under Planning Code Section 308.1 when the Board does not conduct at least three regular meetings during a deadline period]****Supervisor Gonzalez**

Ordinance amending San Francisco Planning Code Section 308.1 to extend deadlines by ten days, from 30 days to 40 days, for scheduling and/or deciding appeals under Section 308.1 when the Board of Supervisors does not conduct at least three regular meetings during a deadline period.

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

**29. ROLL CALL FOR INTRODUCTIONS**

*Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, letters of request to the City Attorney and Board Members' reports on their regional body activities.*

### 30. PUBLIC COMMENT

*An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes.*

### FOR ADOPTION WITHOUT COMMITTEE REFERENCE

*These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.*

#### Items 31 through 36

31. 031890 [Extension of Grant Agreement]  
Supervisor Daly

Resolution authorizing the Director of Public Works or his designee to apply for one-year extensions of Federal and State grants expiring on June 30, 2004.

11/18/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

32. 031891 [Extension of Planning Commission Review Period]  
Supervisor Gonzalez

Resolution extending for 45 additional days the prescribed time within which the Planning Commission may render its decision on a proposed ordinance to amend the San Francisco Planning Code by adding section 703.3 and by amending section 182 to make findings as to the need to regulate formula retail uses, to define formula retail uses, prohibit formula retail uses in the Hayes-Gough Neighborhood Commercial District and in the Neighborhood Commercial Cluster Districts at Cole and Carl Streets and Parnassus and Stanyan Streets, to require any building permit application for a formula retail use to comply with the notice and design review procedures of section 312 of the Planning Code, to provide that the burden to prove that a use is not a formula retail use rests with the building permit applicant or holder, and to provide that nonconforming uses in Residential Districts which are seeking to change in use to retail sales activity or retail sales establishment which is also a formula retail use must comply with the provisions of Section 703.3, and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

11/18/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?



33. 031892 [Commending Nancy Warren]  
**Supervisor Maxwell**  
Resolution commending Nancy Warren for her work to manage and prevent asthma in San Francisco and for her support to the San Francisco Asthma Task Force and proclaiming the 24th of November as Nancy Warren Day.

11/18/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

34. 031893 [Gun Shows at Cow Palace]  
**Supervisor Sandoval**  
Resolution urging the state to take appropriate action to ban gun shows at Cow Palace.

11/18/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

35. 031894 [Declaration of November 4, 2003 Election Results]  
Resolution declaring the results of the November 4, 2003 Consolidated Municipal Election. (Elections Department)

11/18/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

36. 031870 [Needle Exchange Emergency]  
**Supervisors Ammiano, Newsom, Daly, Peskin, McGoldrick, Maxwell, Dufty**  
Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

11/18/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be ADOPTED?

Questions on the For Adoption Without Committee Reference  
Agenda: \_\_\_\_\_

## 37. IMPERATIVE AGENDA

*Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s).*

*[Serious Injury Finding]*

*Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."*

*[Purely Commendatory Finding]*

*Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.*

*[Brown Act Finding]*

*Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.*

*[Imperative Resolutions, if any]*

## OFF-AGENDA LEGISLATION

### PROPOSED ORDINANCES

*Proposed ordinances received from November 11, 2003 through November 17, 2003, for reference by President to appropriate committee on November 25, 2003.*

**031839 [Sidewalk Parking Fine Increase]**

Ordinance amending Article 7, Section 132 of the San Francisco Traffic Code, to increase the fine for sidewalk parking from \$75.00 to \$100.00 as of January 1, 2004, in accordance with Resolution No. 648-01, adopted August 17, 2001; to update the fine for stopping on a freeway because of the repeal of Vehicle Code Section 25220 and enactment of Vehicle Code Section 21718; and to make various editorial changes to clarify the Penalty Schedule.

(Parking and Traffic Department)

(No Public Benefit Recipient.)

11/13/2003. RECEIVED AND ASSIGNED to Finance and Audits Committee.

11/17/2003. REFERRED TO DEPARTMENT: Referred to Planning Department for environmental review.

**031855 [Settlement of Lawsuit - Poppie Kouremetis]**

Ordinance authorizing the settlement of lawsuit filed by Poppie Kouremetis against the City and County of San Francisco for \$95,000; the lawsuit was filed on May 13, 2002, in San Francisco Superior Court and was removed to United States District Court, Case No. C02-02980 MEJ, entitled Kouremetis v. City and County of San Francisco, et al.

(City Attorney)

(Public Benefit Recipient.)

11/17/2003. RECEIVED AND ASSIGNED to Rules Committee.

### PROPOSED RESOLUTIONS

*Proposed resolutions received from November 11, 2003 through November 17, 2003, for reference by President to appropriate committee on November 25, 2003.*

**031836 [Contracting out Status Offender Shelter and Intake Services]**

Resolution concurring with the Controller's certification that Intake and Shelter Services to Status Offenders can be practically performed by private contractor for lower cost than similar services performed by city and county employees.  
(Juvenile Probation Department)  
(Public Benefit Recipient.)

11/13/2003, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031843 [HIV risk behavior surveillance among men who have sex with men]**

Resolution authorizing the San Francisco Department of Public Health (SFPDH), to accept retroactively and expend a grant in the amount of \$172,882 from the Centers for Disease Control and Prevention (CDC) for HIV risk behavior surveillance among men who have sex with men and to enter into an agreement for the use of these funds; for the period of September 30, 2003, to September 29, 2004.  
(Public Health Department)  
(Public Benefit Recipient.)

11/13/2003, RECEIVED AND ASSIGNED to City Services Committee.

**031852 [Accept-Expend Federal/State Grant - Victim/ Witness Assistance Program]**

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of \$562,287 through the California Office of Criminal Justice Planning for the operation of a program entitled "Victim/Witness Assistance Program."  
(District Attorney)  
(No Public Benefit Recipient.)

11/14/2003, RECEIVED AND ASSIGNED to City Services Committee.

**031853 [Accept-Expend Federal Grant - Threat Management/Stalking Vertical Prosecution Program]**

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of \$140,000 through the California Office of Criminal Justice Planning for the operation of a program entitled "Threat Management/Stalking Vertical Prosecution Program."  
(District Attorney)  
(No Public Benefit Recipient.)

11/14/2003, RECEIVED AND ASSIGNED to City Services Committee.

**031854 [Accept-Expend Grant - Violence Against Women Vertical Prosecution Program]**

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of \$108,812 through the California Office of Criminal Justice Planning for the operation of a program entitled "Violence Against Women Vertical Prosecution Program."  
(District Attorney)  
(No Public Benefit Recipient.)

11/14/2003, RECEIVED AND ASSIGNED to City Services Committee.

**031918 [Petitions and Communications]**

Petitions and Communications received from November 11, 2003 through November 17, 2003 for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on November 25, 2003.

From Celeste Tonogbanua Friedman, submitting request for transfer of a Type 20 Off-Sale liquor license for "The Gift Basket" located at 236 8th Street, #D. (1)

From State Department of Insurance, regarding educating the public about the Low Cost Auto Insurance Program. (2)

From Police Department, concerning the adoption of the "Secondary Unit" legislation and the increase in requests for police and other public safety services in San Francisco. (3)

From Pacific Gas and Electric Company, concerning Pacific Gas and Electric Company's efforts to supply the Lucas Letterman Digital Arts center. (4)

From Office of the Legislative Analyst, concerning research issues related to the siting of cellular phone antennae. (5)

From John Barry, regarding the appointment of Adam Werbach to the Public Utilities Commission. (6)

From California Prosecutors Association, urging the Board to approve Charter amendment regarding retirement benefits for District Attorneys and Public Defenders in San Francisco. File 03-0857 (7)

From concerned citizens, submitting support for the appointment of Adam Werbach to the Public Utilities Commission. Approximately 500 e-mails. (8)

From State Department of Insurance, submitting notice that the Insurance Commissioner will be conducting a town hall meeting regarding "Auto Premium Ratings" on December 4, 2003 at 1515 Clay Street beginning at 6:00 p.m. Copy: Each Supervisor (9)

From concerned citizens, submitting support for the development of Piers 27- 31 for the state of the art indoor/outdoor Waterfront YMCA. File 031811, Copy: Each Supervisor (10)

From Steve Portaro, submitting his concerns with Muni's bus terminal located on the 600 block of 4th Street. Copy: Supervisor Daly, forwarded to General Manager, Muni. (11)

From State Controller, requesting recommendations on filling vacancies on the Controller's Advisory Committee on County Accounting Procedures. Copy: Each Supervisor (12)

From Clerk of the Board, submitting copy of memorandum sent to the Employees' Retirement System regarding Proposition B, Retirement Benefits for Safety Employees. (13)

From Clerk of the Board, submitting copy of memorandum sent to the Board of Supervisors regarding Proposition C, City Services Auditor. (14)

From Clerk of the Board, submitting copy of memorandum sent to the Board of Supervisors regarding Proposition E, Ethics Reform. (15)

From Clerk of the Board, submitting copy of memorandum sent to the Board of Supervisors regarding Proposition H, Police Commission/Office of Citizen Complaints. (16)

From concerned citizens, submitting opposition to the proposed projects at 300 Spear Street and 201 Folsom Street. Files 031631, 031627 (17)

From Reuben and Alter LLP, regarding appeal of Final Mitigated Negative Declaration Project at 701 Lombard Street. File 031840 (18)

From Stefel, Levitt & Weiss, responding to appeal of the Final Environmental Impact Report for the 300 Spear Street Project. File 031631, Copy: Each Supervisor (19)

From Reuben and Alter LLP, responding to appeal of the Final Environmental Impact Report for the 201 Folsom Street Project. File 031627, Copy: Each Supervisor (20)

From San Francisco Tomorrow, submitting opposition to any voting system that does not produce clear and accurate paper ballots that will be permanent hard copy records of every election. Copy: Each Supervisor (21)

From Office of the Mayor, submitting Efficiency Plan for 2003-04 in keeping with the requirements of Chapter 88 of the Administrative Code. (22)

From Michael Wilmar, urging the Board to adopt the proposed compensation contract for the Director of Transportation. (23)

From Golden Gate Heights Neighborhood Association, submitting opposition to proposed legislation banning posting of bills on utility poles on a citywide basis. File 03-1273. (24)

Number not used. (25)

From Office of the City Attorney, submitting an update on the City Attorney's Financial Recovery and Savings Report dated November 5, 2003. Copy: Each Supervisor (26)

From Comcast Communications Inc., submitting notice of a price adjustment to Adult Pay-Per View programming offered to Comcast Cable customers in San Francisco. (27)

From Comcast Communications Inc., submitting notice of additional programs offered to Comcast Cable customers. (28)

From Transportation and Land Use Coalition, submitting report entitled "Revolutionizing Bay Area Transit on a Budget" creating a state-of-the-art rapid bus network. Copy: Each Supervisor (29)

From Alliance for Golden Gate Park, submitting opposition to the proposed Golden Gate Park Master Plan Findings, Golden Gate Park Concourse Authority Projects. File 031321 (30)

From concerned citizens, submitting opposition to the proposed Secondary Unit legislation. File 021598 (31)

From Asian Art Museum, submitting Efficiency Plan for fiscal year 2003-04. (32)

From concerned citizens, submitting opposition to appointments made by the Acting Mayor to the Public Utilities Commission. Copy: Each Supervisor (33)

From the Neighborhood Network, submitting support for proposed legislation regarding "Formula Retail" stores. Copy: Each Supervisor (34)

From Board of Appeals, regarding notice that the Board of Appeals has no vending machines. (Reference No. 20030923-035) Copy: Supervisor Peskin (35)

From Kathleen Dooley, submitting opposition to the Mills Project development at Piers 27-31. File 031811 (36)

From John Eggert, submitting request for a traffic study at the intersection of Plymouth and Monterey. (37)

From McCarthy, Johnson and Miller, submitting comments on proposed Charter amendment regarding tolling Board deadlines during recess, reducing votes required when Board members are disqualified, limiting hold-over appointments, setting deadlines for police and fire negotiations, and renaming the Commission on Aging. (38)

From Public Utilities Commission, submitting notice of a system-wide change in the residual drinking water disinfectant from the chlorine to chloramine in February 2004. (39)

From Port, regarding vending machine usage at the Port of San Francisco. (40)

From SF Redevelopment Agency, submitting its financial and performance reports for the quarter ended June 30, 2003. (41)

## ADJOURNMENT

# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO AGENDA



DOCUMENTS DEPT.

DEC - 5 2003

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Legislative Chamber - Second Floor  
City Hall, 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

Tuesday, December 9, 2003 2:00 PM

## Regular Meeting

MATT GONZALEZ, PRESIDENT  
TOM AMMIANO, CHRIS DALY, BEVAN DUFTY, TONY HALL,  
FIONA MA, SOPHIE MAXWELL, JAKE MCGOLDRICK,  
GAVIN NEWSOM, AARON PESKIN, GERARDO SANDOVAL

Gloria L. Young, Clerk of the Board

Agendas of the Board of Supervisors are available on the internet at [www.ci.sf.ca.us/bdsupvrs](http://www.ci.sf.ca.us/bdsupvrs)

## BOARD COMMITTEES

### Committee Membership

#### **Budget Committee**

Supervisors Daly, Maxwell, Peskin

#### **City and School District Select Committee**

Supervisors Maxwell, Ammiano, Ma, Commissioners Cruz, Sanchez, Kelly

#### **City Services Committee**

Supervisors Dufty, Ma, Newsom

#### **Finance and Audits Committee**

Supervisors Peskin, Sandoval, McGoldrick

#### **Land Use Committee**

Supervisors McGoldrick, Maxwell, Ammiano

#### **Rules Committee**

Supervisors Hall, Dufty, Gonzalez

### Meeting Days

Thursday

1:00 PM

2nd Monday, bi-monthly

4:00 PM

Thursday

9:30 AM

Wednesday

12:30 PM

Monday

1:00 PM

Wednesday

9:30 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.



## Board Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4) standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

Agenda are available on the internet at [www.sfgov.org/bdsupvrs.bos.htm](http://www.sfgov.org/bdsupvrs.bos.htm).

THE AGENDA PACKET IS AVAILABLE AT CITY HALL, ROOM 244, RECEPTION DESK.

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 557-4293.

Results of each Board meeting can be obtained about a half hour after the end of the meeting by telephoning (415) 554-5555.

Requests for language translation at a meeting must be received no later than noon the Friday before the meeting. Contact Ohn Myint at (415) 554-7704.

AVISO EN ESPAÑOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

**翻譯 必須在會議前最少四十八小時提出要求  
請電 (415) 554-7701**

## Disability Access

The Legislative Chamber of the Board of Supervisors is in Room 250 of City Hall, 1 Dr. Carlton B. Goodlett Place. The Chamber is wheelchair accessible.

The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex.

All meetings are real-time captioned and are cablecast open-captioned on SF Cable 26.

The following services are available when requests are made by 4:00 p.m. of the Friday before the Board meeting. This advance notice will help ensure availability.

- For American Sign Language interpreters or use of a reader during a meeting, contact Ohn Myint at (415) 554-7704.

- For a large print copy of agenda or minutes in alternative formats, contact Annette Lonich at (415) 554-7706.

Assistive listening devices are available from the receptionist in the Clerk of the Board's Office, Room 244, prior to the meeting.

The Clerk of the Board's Office TTY number is (415) 554-5227.

In order to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.



### **Know Your Rights Under the Sunshine Ordinance**

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Donna Hall by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at [Donna.Hall@sfgov.org](mailto:Donna.Hall@sfgov.org)

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Ms. Hall or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine.htm>

### **Lobbyist Registration and Reporting Requirements**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site [www.sfgov.org/ethics](http://www.sfgov.org/ethics)

## ROLL CALL AND PLEDGE OF ALLEGIANCE

## APPROVAL OF MEETING MINUTES

*Motion to approve the November 4, 2003 Meeting Minutes.*

## AGENDA CHANGES

## COMMUNICATIONS

*Note: Each item on the Consent or Regular agenda may include the following documents:*

- 1) Legislation*
- 2) Budget Analyst report*
- 3) Legislative Analyst report*
- 4) Department or Agency cover letter and/or report*
- 5) Public correspondence*

*These items will be available for review at City Hall, Room 244, Reception Desk.*

## CONSENT AGENDA

*All matters listed hereunder constitute a Consent Agenda, are considered to be routine by the Board of Supervisors and will be acted upon by a single roll call vote of the Board. There will be no separate discussion of these items unless a member of the Board so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.*

### Items 1 through 24

### Recommendations of the City Services Committee

*Present: Supervisors Dufty, Ma*

1. 031866 [Waiving Police and Fire fees for Immigrant Pride Day 2003]  
Supervisors Gonzalez, Daly  
Ordinance waiving fees associated with Immigrant Pride Day 2003 assessed by the San Francisco Police and Fire Departments; urging the Municipal Transportation Agency to waive its fees associated with the same event.

11/18/2003, CONTINUED. Continued to November 25, 2003

11/25/2003, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

**2. 031774 [Accept-Expend State Grant]****Supervisor Dufty**

Resolution authorizing the Office of the District Attorney to accept and expend a grant in the amount of \$127,241 from the California Office of Criminal Justice Planning for the operation of the Major Narcotic Vendors Prosecution Program.

(District Attorney)

(No Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

**3. 031810 [Pedestrian Injury Surveillance]****Supervisor Dufty**

Resolution authorizing the San Francisco Department of Public Health (SFPDH), to accept retroactively and expend a grant in the amount of \$99,350 from the Centers for Disease Control and Prevention (CDC) to analyze pedestrian injury patterns and evaluate the effectiveness of countermeasures and to enter into an agreement for the use of these funds; for the period of September 1, 2003, to August 31, 2004.

(Public Health Department)

(No Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

**4. 031829 [Membership in the Bay Area Regional Immunization Registry]****Supervisors Dufty, Ma**

Resolution authorizing the San Francisco Board of Supervisors to enter into an agreement between the City and County of San Francisco and the County of Santa Clara for membership in the Bay Area Regional Immunization Registry.

(Public Health Department)

(No Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

**5. 031733 [Liquor License Transfer, 350 California Street]**

Resolution determining that the transfer of a Type 20 off-sale beer and wine alcoholic beverage control license from 421 Haight Street to 350 California Street (District 3), to Mitra Ghiasi dba San Francisco News & Gifts, will serve the convenience of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code; with condition.

Question: Shall this Resolution be ADOPTED?

## Recommendations of the Finance and Audits Committee

*Present: Supervisors Peskin, Sandoval, McGoldrick*

6. 031466 [Creating Exemption for Administrative Fee for Provision of Additional Police Services Pursuant to Administrative Code Section 10B.2.]  
Supervisors Peskin, Sandoval  
Ordinance amending San Francisco Police Code Section 10B.2 to create an exception for payment of an administrative fee for contracting for additional police services.  
  
11/25/2003, PASSED ON FIRST READING.  
Question: Shall this Ordinance be **FINALLY PASSED**?
7. 031643 [License Agreement with Broadcast Music Incorporated]  
Ordinance authorizing the City Administrator to enter into the Local Government Licensing Agreement negotiated between the International Municipal Lawyer's Association and Broadcast Music Incorporated to license music uses by the City under a license subject to automatic annual renewal for an annual Base License Fee plus 1% of revenue from events in which gross revenue exceeds \$25,000, providing that prior to the issuance by any City Department or agency of any lease or permit to conduct an event on property owned or operated by the City and County of San Francisco at which music will be used, the leasee or permittee shall obtain an appropriate license from Broadcast Music Incorporated for the use of music at the event, and requiring that if an appropriate license for the use of music at the event is not obtained by the leasee or permittee, the City department or agency issuing the lease or permit shall provide funds to the City Administrator sufficient to cover any fees incurred pursuant to the City's Local Government Licensing Agreement with Broadcast Music Incorporated.  
(City Administrator)  
(No Public Benefit Recipient.)  
  
11/25/2003, PASSED ON FIRST READING.  
Question: Shall this Ordinance be **FINALLY PASSED**?
8. 031243 [Contingency Fee Agreement]  
Supervisor Peskin  
Resolution approving and authorizing a contingency fee agreement between the City and a law firm selected by the City Attorney, in connection with the litigation initiated by the City Attorney against Scott Company of California and related entities over construction projects at the San Francisco International Airport.  
(Fiscal impact.)  
  
Question: Shall this Resolution be **ADOPTED**?

9. 031710 [Airport Concession Leases]  
Supervisors McGoldrick, Sandoval  
Resolution approving the twenty-eight (28) leases for the Airport's Domestic Terminal Food and Beverage Redevelopment Program - between Lori's Diner International, Inc.; Andale SFO; Sanraku, Inc.; Meyers Holdings, LLC, Firewood Café, Series I-II; Fung Lum Express, LLC; Bayport Concessions, LLC; Bay Area Restaurant Group Joint Venture; GDDC, Inc.; Tomokazu Japanese Cuisine (SFO), Inc.; (Jonathan Leong) L & H, LLC; H. Young Enterprises, Inc.; WSE Group; San Francisco Soup Co., Inc.; Guava & Java (SFO), Inc.; J. Avery Enterprises; Gotham Enterprises, LLC, SFO Coffee IV-VI Series; H. Young Enterprises; Susie Lee Tong Enterprises, Inc.; Lady Luck Gourmet, LLC; Creative Host Services, Inc.; D-Lew Enterprises, LLC; Burger Joint, Inc.; Creative Host Services, Inc.; Emporio Rulli, Inc.; Bay Area Restaurant Group Joint Venture; D-Lew Enterprises, LLC; Bay Area Restaurant Group Joint Venture; Andre-Boudin Bakeries, Inc., each as a tenant, and the City and County of San Francisco, acting by and through its Airport Commission, as landlord.  
(Fiscal impact.)

Question: Shall this Resolution be ADOPTED?

10. 031816 [Port Lease for the Boudin Restaurant and Bakery at Fisherman's Wharf]  
Supervisor Peskin  
Resolution approving the Lease between the San Francisco Port Commission and Boudin Properties, Inc., a California corporation, for the Boudin Restaurant and Bakery located at 160 Jefferson Street at Fisherman's Wharf, for a total maximum term of forty-two years.  
(Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

11. 031836 [Contracting out Status Offender Shelter and Intake Services]  
Supervisor Dufty  
Resolution concurring with the Controller's certification that Intake and Shelter Services to Status Offenders can be practically performed by private contractor for lower cost than similar services performed by City and County employees.  
(Juvenile Probation Department)  
(Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

12. 031851 [Transfer State funds to CMHDA for contract services to improve access to mental health treatment for children in foster care and other children placed outside of San Francisco]  
Resolution endorsing the transfer of State general funds from the State to the California Mental Health Directors Association for a contract to provide services to foster care and other Medi-Cal eligible children placed outside of San Francisco, for the period of July 1, 2003 through June 30, 2004.  
(Public Health Department)  
(Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

13. 031928 [Lease of Property]  
Supervisor Peskin  
Resolution authorizing a 25-year Lease of San Francisco Public Utilities Land between the City and County of San Francisco and Sunol Valley Golf & Recreation Co., in Alameda County.  
(Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

### Recommendations of the Land Use Committee

*Present: Supervisors McGoldrick, Maxwell*

14. 031497 [Extending deadlines by ten days for scheduling and/or deciding appeals under Planning Code Section 308.1 when the Board does not conduct at least three regular meetings during a deadline period]  
Supervisors Gonzalez, McGoldrick, Maxwell  
Ordinance amending San Francisco Planning Code Section 308.1 to extend deadlines by ten days, from 30 days to 40 days, for scheduling and/or deciding appeals under Section 308.1 when the Board of Supervisors does not conduct at least three regular meetings during a deadline period.

11/25/2003, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

15. 031769 [Grant of Regional Funds]  
Resolution authorizing the Municipal Transportation Agency to accept and expend \$4,663,431 of Assembly Bill 664 funds for Municipal Railway Transit Projects, excluding administrative overhead costs.  
(Municipal Transportation Agency)  
(No Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

16. 031830 [Grant of Federal Funds]  
Resolution authorizing the Municipal Transportation Agency to accept retroactively and expend \$326,512 of federal Section 5309 capital assistance toward the purchase of LRVs for San Francisco's Municipal Railway, excluding Administrative Overhead Costs.  
(Municipal Transportation Agency)  
(No Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

**Recommendations of the Rules Committee**

*Present: Supervisors Hall, Gonzalez*

**17. 031708 [Citizens Advisory Committee on Elections]  
Supervisor Hall**

Ordinance amending the San Francisco Municipal Elections Code, by repealing Sections 700 through 760, regarding the Citizens Advisory Committee on Elections.

11/25/2003, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

**18. 031709 [Dissolving the Advisory Committee on Adult Detention]  
Supervisor Hall**

Ordinance amending the San Francisco Administrative Code, by repealing Sections 13.70 through 13.75, regarding the Advisory Committee on Adult Detention.

11/25/2003, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

*Present: Supervisors Hall, Dufty*

**19. 031790 [Settlement of Lawsuit - Mamei Wei]**

Ordinance authorizing settlement of the lawsuit filed by Mamei Wei against the City and County of San Francisco and Ray Contreras for \$250,000; the lawsuit was filed on December 20, 2002 in U.S. District Court for the Northern District of California, Case No. C02-5887 TEH entitled Mamei Wei v. City and County of San Francisco and Ray Contreras.  
(City Attorney)  
(Public Benefit Recipient.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

**20. 031799 [Settlement of Lawsuit - Curtis McGlothlin]**

Ordinance authorizing settlement of the lawsuit filed by Curtis McGlothlin against the City and County of San Francisco for \$165,000; the lawsuit was filed on August 7, 2002 in San Francisco Superior Court, Case No. 411-241; entitled Curtis McGlothlin, et al., v. City and County of San Francisco, et al.  
(City Attorney)  
(Public Benefit Recipient.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

21. 031807 [Settlement of Lawsuit - Teresa Lau]  
Ordinance authorizing settlement of the lawsuit filed by Teresa Lau against the City and County of San Francisco for \$93,500; the lawsuit was filed on September 27, 2001 in San Francisco Superior Court, Case No. 324-939; entitled Teresa Lau, et al., v. City and County of San Francisco, et al. (City Attorney)  
(Public Benefit Recipient.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

22. 031728 [Settlement of Claim - Zurich North America]  
Resolution approving the settlement of the unlitigated claim filed by Zurich North America against the City and County of San Francisco for \$120,000.00; the claim was filed on April 8, 2003; Claim No. 03-03317  
(Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

*Present: Supervisors Hall, Dufty, Gonzalez*

23. 031921 [Appointment Bicycle Advisory Committee 2002]  
Resolution appointing Bridget May, term ending November 19, 2004 to the Bicycle Advisory Committee 2002.  
Bridget May, succeeding Michael Rauner, resigned, seat 5, must be a nominee of District 5 Supervisor; for the unexpired portion of a two-year term ending November 19, 2004.

Question: Shall this Resolution be ADOPTED?



**24. 031961 [Appointments to the Childhood Nutrition & Physical Activity Task Force]**

Resolution appointing Dena Bushman, Manual Jimenez, Sophia Yen, Ibukun Hambolu, Esther Rothblum, Lynn Gavin, Tracy DeAmicis McMahan, Elena Andrea Escalera, Andrea Garber, Melvin Heyman and Jennifer Portnick, term ending date to be determined, to the Childhood Nutrition & Physical Activity Task Force. Residency requirement waived.

Dena Bushman, new position, seat 4, must be a person between the ages of 12 and 23, for a new one year term ending one year from the date that a quorum of the voting membership of the Task Force becomes effective.

Manual Jimenez, new position, seat 5, must be a parent or guardian, for a new one year term ending one year from the date that a quorum of the voting membership of the Task Force becomes effective. Sophia Yen, new position, seat 6, must be a child advocate, for a new one year term ending one year from the date that a quorum of the voting membership of the Task Force becomes effective.

Ibukun Hambolu, new position, seat 7, must be a member of the San Francisco Unified School district Student Advisory Council, for a new one year term ending one year from the date that a quorum of the voting membership of the Task Force becomes effective.

Esther Rothblum, new position, seat 8, must be a member of a civil rights organization addressing weight size discrimination, for a new one year term ending one year from the date that a quorum of the voting membership of the Task Force becomes effective.

Lynn Gavin, new position, seat 9, must be a member of an organization helping all children regardless of physical, medical, or psychiatric disabilities obtain access to medical care and information, for a new one year term ending one year from the date that a quorum of the voting membership of the Task Force becomes effective.

Tracy DeAmicis McMahan, new position, seat 10, must be a pediatrician, for a new one year term ending one year from the date that a quorum of the voting membership of the Task Force becomes effective.

Elena Andrea Escalera, (residency requirement waived) new position, seat 11, must be a child psychologist with expertise in eating disorders, for a new one year term ending one year from the date that a quorum of the voting membership of the Task Force becomes effective.

Andrea Garber, new position, seat 12, must belong to a research organization with expertise in childhood nutrition and physical fitness, for a new one year term ending one year from the date that a quorum of the voting membership of the Task Force becomes effective.

Melvin Heyman, new position, seat 13, must be a public policy professional with an expertise in health and legislation, for a new one year term ending one year from the date that a quorum of the voting membership of the Task Force becomes effective.

Jennifer Portnick, new position, seat 16, must be a member from an organization that implements size-neutral youth physical activity programs, for a new one year term ending one year from the date that a quorum of the voting membership of the Task Force becomes effective.

**Question: Shall this Resolution be ADOPTED?**

*Questions on the Consent Agenda are on final passage, first reading, or adoption, as indicated: \_\_\_\_\_*

## REGULAR AGENDA

## UNFINISHED BUSINESS

### Recommendations of the Land Use Committee

*Present: Supervisors McGoldrick, Maxwell*

25. 021575 [General Plan Amendments - 888 Howard Street Hotel]

**Supervisors Daly, Sandoval**

Ordinance amending the San Francisco General Plan in connection with approval of the 888 Howard Street Hotel Project by amending Map 1 (Downtown Land Use and Density Plan) and Map 5 of the Downtown Area Plan of the General Plan to reclassify the use designation of the property located at 888 Howard Street, Lot 066 in Assessor's Block 3724, from C-3-S to C-3-S(SU) and the height and bulk of the property from 160-F to 320-S; adopting findings.  
(Planning Department)

11/18/2003, SUBSTITUTED. Supervisor Daly submitted a substitute ordinance bearing new title.

11/25/2003, PASSED ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

26. 021576 [Zoning Map Amendments - 888 Howard Street Hotel]

**Supervisors Daly, Sandoval, McGoldrick, Maxwell**

Ordinance amending Sheets 1 and 1H of the Zoning Map of the City and County of San Francisco for property located at 888 Howard Street, Lot 066 in Assessor's Block 3724, to change the height and bulk limits of the property from 160-F To 320-S and to change the use district from C-3-S to C-3-S (SU); adopting findings.  
(Planning Department)

(Planning Department)

(Planning Commission Resolution #16437 approving Reclassification Application No. 2000.790ZM dated 5/23/02; Resolution #16420 approving Planning Code Text Amendments and Reclassification Application No. 2000.790TQM on 6/6/02; Motion #16323 and Resolution #16435 approving CEQA findings for Application No. 2000.790E on 5/23/02; Motion #16436 approving Conditional Use Application No. 2000.961C on 5/23/02; Motion #16421 approving Section 309 Application No. 2000.790X on 6/6/02; Final Environmental Impact Report dated 1/10/02; Case No. 2000.790EKXCTQM; companion measure to Files 021575, and 021577.)

11/25/2003, PASSED ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

27.      021577    **[Planning Code Amendments in connection with 888 Howard Street Hotel Project]**  
Supervisors Daly, Sandoval, McGoldrick, Maxwell  
Ordinance amending the San Francisco Planning Code by amending Sections 102.9, 123, Table 124 and Section 138 and by adding new Section 247, to create a C-3-S(SU) Downtown Support Special Use District within the C-3-S zoning district to allow development of a Hotel Project with a basic and maximum floor area ratio (after purchase of all market-rate, available Transfer Development Rights within the C-3-S zoning district or contribution of an equivalent amount of money under specified conditions) of 7.5 to 1, to include the new C-3-S(SU) zoning district within the definition of "gross floor area" and to provide that the minimum open space requirement for the new C-3-S(SU) zoning district is one square foot for every 50 gross square feet of uses; adopting findings.  
(Planning Department)
- 11/18/2003, SUBSTITUTED. Supervisor Daly submitted a substitute ordinance bearing new title.  
11/25/2003, PASSED ON FIRST READING.  
**Question: Shall this Ordinance be FINALLY PASSED?**
28.      031917    **[Parking Regulations]**  
Resolution enacting and rescinding parking regulations at various locations.  
  
TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH  
States Street, north side, from Corona Heights Playground to a point 26 feet westerly.  
(Parking and Traffic Department)  
(9/25/03: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPW Order No. 2692; No Public Benefit Recipient.)
- 11/18/2003, CONTINUED. Supervisor Duffy, seconded by Supervisor Maxwell, moved to continue the divided matter to December 9, 2003.  
**Question: Shall this Resolution be ADOPTED?**

## NEW BUSINESS

### Recommendations of the Finance and Audits Committee

*Present: Supervisors Peskin, Sandoval, Gonzalez*

29. 031747 [Revising permit fee and planning review surcharges applicable to permits and review activities subject to review by the Board of Appeals]

**Supervisor Peskin**

Ordinance amending the Administrative Code by amending Section 10G.1 to correct erroneous Planning and Building Code citations, revising permit surcharges on permits issued by the Department of Building Inspection, the Taxi Commission, the Police Department and the Department of Public Works permits where such permits are subject to appeal before the Board of Appeals, revising the surcharge on fees imposed by the Planning Department for review of permits where such permits are subject to appeal before the Board of Appeals, and making environmental findings.

Question: Shall this Ordinance be PASSED ON FIRST READING?

30. 031726 [Amendment to Paratransit Broker Contract]  
Resolution approving Contract Amendment No. 3 to Paratransit Broker Agreement with ATC/Vancom, Inc., the City's Paratransit Broker, to increase the total amount of the Agreement to a sum not to exceed \$77,333,277, in order to meet the increased demand and costs for paratransit service during the contract period.  
(Municipal Transportation Agency)  
(Fiscal impact; Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

31. 031812 [Increasing civil filing and appearance fees provided in Business and Professions Code for operation of the Law Library]  
**Supervisor Dufty**  
Resolution increasing civil filing and appearance fees provided in Business and Professions Code Sections 6321, 6322 and 6322.1 for operation of the Law Library.

Question: Shall this Resolution be ADOPTED?

32. 031831 [Agreement to exchange real property related to the former Central Freeway parcels in the Hayes Valley neighborhood]  
Resolution approving and authorizing agreements for the exchange of certain real property known generally as a portion of Block 761, Lot 23 with the State of California; for those certain parcels described generally as portions of Block 792, Lot 28, Block 808, Lot 36, and Block 785, Lot 29; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the conveyance is consistent with the City's general plan and eight priority policies of City Planning Code section 101.1; and authorizing the Director of Property to execute documents and take certain actions in furtherance of this resolution.  
(Real Estate Department)  
(Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

## **SPECIAL ORDER 3:30 P.M. - Recognition of Commendations**

## **SPECIAL ORDER 4:00 P.M.**

## **Board of Supervisors Sitting as a Committee of the Whole**

33. 031846 [Hearing - Ground Lease of Redevelopment Agency Land for Plaza Apartments]  
Hearing of persons interested in or objecting to proposed resolution approving the Redevelopment Agency of the City and County of San Francisco's lease of land at Assessor's Block 3725, Lot 025, commonly known as 988-992 Howard Street, to Plaza Apartments Associates, L.P., a California Limited Partnership, for 55 years for the purpose of developing housing for very low-income senior households.  
(Clerk of the Board)

Action: \_\_\_\_\_

## **Committee of the Whole Rise and Report Without Recommendation**

34. 031847 [Ground Lease of Redevelopment Agency Land for Plaza Apartments]  
**Supervisor Gonzalez**  
Resolution approving the Redevelopment Agency of the City and County of San Francisco's lease of land at Assessor's Block 3725, Lot 025, commonly known as 988-992 Howard Street, to Plaza Apartments Associates, L.P., a California Limited Partnership, for 55 years for the purpose of developing housing for very low-income senior households.  
(Fiscal impact.)

Question: Shall this Resolution be ADOPTED?

### 35. PUBLIC COMMENT

*An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes.*

### Recommendation of the Rules Committee

*Present: Supervisors Hall, Dufty, Gonzalez*

36. 031885 [Settlement of Claim]  
Supervisor Hall

Resolution approving the settlement of the unlitigated claim of Louise Renne, Patrick Devlin, June Lilienthal, Virginia Leishman, Charles Meyers, Alene Meyers, Charles Levinson, and Robert Neal against San Francisco, relating to the use of tobacco settlement revenues by the Department of Public Health; material terms of said settlement are contained in the amended Settlement Agreement on file with the Clerk of the Board of Supervisors.

Question: Shall this Resolution be ADOPTED?

### CLOSED SESSION

### CONFERENCE WITH CITY ATTORNEY - Potential Litigation

37. 031953 [Closed Session - Existing Unlitigated Claim, City as Defendant]

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following claim and/or potential litigation filed against the City and County of San Francisco by plaintiffs who have challenged the validity of Ordinance No. 191-03, an Ordinance approving the transfer of tobacco settlement revenues, on the ground that it violates Proposition A, the initiative ordinance adopted by the voters in 1999 that authorizes the issuance of General Obligation bonds for the Laguna Honda Hospital project.

Louise Renne, et al. V. City and County of San Francisco  
Unlitigated Claim

The Closed Session is permitted by California Government Code Section 54956.9 (b) and Administrative Code (Sunshine Ordinance) Section 67.10 (d) (1), and discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the pending claim and/or potential litigation.  
(City Attorney)

Action: \_\_\_\_\_

*After a closed session, if one occurs, the President shall (1) request the Deputy City Attorney to identify the subjects discussed in the closed session, and (2) direct the Clerk of the Board to report the vote taken on any motion in the closed session.*

*[Elect To Disclose]*

*Motion that the Board finds it is in the public interest to disclose information discussed in closed session, and directs the President immediately to disclose that information.*

*[Elect Not to Disclose]*

*Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations concerning the existing litigation listed above.*

## **FOR ADOPTION WITHOUT COMMITTEE REFERENCE**

*These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.*

### **Items 38 through 48**

38. 031945 [Preparation of written Proponent ballot arguments and rebuttal ballot arguments for Charter Amendments approved by the Board of Supervisors for submittal to the voters at the March 2, 2004 Election]  
Supervisor Gonzalez  
Motion authorizing preparation of written Proponent ballot arguments and rebuttal ballot arguments for Charter Amendments approved by the Board of Supervisors for submittal to the voters at the March 2, 2004 election  
  
11/25/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
Question: Shall this Motion be ADOPTED?
39. 031938 ["STOP" Intersection]  
Supervisor Newsom  
Resolution designating Jefferson and Webster intersection as a one-way "STOP" intersection.  
  
11/25/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
Question: Shall this Resolution be ADOPTED?
40. 031939 [Universal Declaration of Human Rights and the Employee Free Choice Act: HR3619]  
Supervisors Sandoval, Maxwell  
Resolution urging San Francisco employers to abide by the Universal Declaration of Human Rights and urging the 108th United States Congress to pass the Employee Free Choice Act.  
  
11/25/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
Question: Shall this Resolution be ADOPTED?



41. 031940 [Prevailing Wage Law]  
Supervisor Ma  
Resolution supporting the California Legislature's conclusion that the prevailing wage law addresses statewide concerns.  
  
11/25/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
Question: Shall this Resolution be ADOPTED?
42. 031941 [Commending Raoul Wallenberg]  
Supervisor Sandoval  
Resolution commending the Raoul Wallenberg Jewish Democratic Club for providing a strong voice for the Jewish community in local politics and within the larger Democratic Party for the last twenty years.  
  
11/25/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
Question: Shall this Resolution be ADOPTED?
43. 031942 [Emergency Communications Department Annual Report]  
Supervisor Ma  
Resolution approving the printing of not more than 100 hard copies of the Emergency Communications Department Annual Report for FY 2002-2003.  
(No Public Benefit Recipient.)  
  
11/25/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
Question: Shall this Resolution be ADOPTED?
44. 031943 [Designation of 2550 Mission Street, the New Mission Theater, as a Landmark]  
Supervisor Ammiano  
Resolution initiating the designation of 2550 Mission Street, the New Mission Theater, Block 3616, Lot 007, as a landmark pursuant to Section 1004.1 of the Planning Code.  
  
11/25/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
Question: Shall this Resolution be ADOPTED?
45. 031944 [Traffic Regulation - Maiden Lane]  
Supervisor Peskin  
Resolution Enacting "Street Closed To Vehicular Traffic" Regulation on Maiden Lane, Between Stockton and Kearny Streets, From 11 A.M. to 5 P.M., Every Day Including Holidays.  
  
11/25/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
Question: Shall this Resolution be ADOPTED?



46. 031911 [Final Map for a 10 Unit Live/Work Condominium Project]  
Motion approving Final Map of 993 Tennessee Street, A Live/Work Condominium Project, being a subdivision of Lot 19 in Assessor's Block No. 4108, and adopting findings pursuant to Planning Code Section 101.1.  
(Public Works Department)  
(No Public Benefit Recipient; DPW Order No. 174,532; District 10.)

11/21/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be ADOPTED?

47. 031959 [Final Map for a 5 Unit Mixed Use Condominium Project]  
Motion approving Final Map of 2773 Folsom Street, a Mixed Use Condominium Project, being a subdivision of Lot 27 Assessor's Block No. 3640, and adopting findings pursuant to Planning Code Section 101.1.  
(Public Works Department)  
(No Public Benefit Recipient; DPW Order No. 174,501; District 9.)

11/24/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be ADOPTED?

48. 031922 [Needle Exchange Emergency]  
Supervisors Ammiano, Newsom, Daly, Peskin, McGoldrick, Maxwell, Dufty  
Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

11/25/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be ADOPTED?

Questions on the For Adoption Without Committee Reference  
Agenda: \_\_\_\_\_

## 49. IMPERATIVE AGENDA

*Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s).*

### *[Serious Injury Finding]*

*Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."*

### *[Purely Commendatory Finding]*

*Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.*

*[Brown Act Finding]*

*Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.*

*[Imperative Resolutions, if any]*

## OFF-AGENDA LEGISLATION

## PROPOSED ORDINANCES

*Proposed ordinances received from November 18, 2003 through noon on December 1, 2003, for reference by President to appropriate committee on December 9, 2003.*

**031912 [Settlement of Lawsuit - Leo Rivkin]**

Ordinance authorizing settlement of the lawsuit filed by Leo Rivkin against the City and County of San Francisco for \$110,000; the lawsuit was filed on February 22, 2001 in San Francisco Superior Court, Case No. 319-085; entitled Leo Rivkin, et al., v. City and County of San Francisco, et al.  
(City Attorney)  
(Public Benefit Recipient.)

11/24/2003, RECEIVED AND ASSIGNED to Rules Committee.

**031913 [Settlement of Lawsuit - Janet Prieto]**

Ordinance authorizing settlement of the lawsuit filed by Janet Prieto against the City and County of San Francisco for \$85,000; the lawsuit was filed on January 2, 2002 in the San Francisco Superior Court, Case No. 403048; entitled Janet V. Prieto v. City and County of San Francisco, et al.  
(City Attorney)  
(Public Benefit Recipient.)

11/24/2003, RECEIVED AND ASSIGNED to Rules Committee.

**031946 [Settlement of Lawsuit - Billy Clark]**

Ordinance authorizing settlement of the lawsuit filed by Billy Clark against the City and County of San Francisco for \$50,000; the lawsuit was filed on November 16, 2001 in San Francisco Superior Court, Case No. 401-372; entitled Billy Clark v. City and County of San Francisco, et al.  
(City Attorney)  
(Public Benefit Recipient.)

12/1/2003, RECEIVED AND ASSIGNED to Rules Committee.

**031957 [Mission Bay Owens Street at Park P1 Improvements]**

Ordinance designating a portion of State Trust Parcel 2 adjacent to Park P1 for public right-of-way purposes; approving a map showing such areas and declaring such areas to be open public right-of-way; naming the new right-of-way (Channel); designating street grades, sidewalk widths, and street parking restrictions; accepting the irrevocable offer for the acquisition facilities; designating said facilities to public use and accepting for maintenance responsibilities and liability purposes, subject to specified limitations; accepting an agreement relating to temporary City access, subject to specified limitations; adopting findings that such actions are consistent with the City's General Plan, eight priority policy findings of City Planning Code section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 174,529 and authorizing official acts in connection with this ordinance.

(Public Works Department)

(No Public Benefit Recipient.)

11/24/2003, RECEIVED AND ASSIGNED to Land Use Committee.

**031958 [Mission Bay Third Street/16th Street Utility Project]**

Ordinance recommending the recordation of the conditional irrevocable offer of portions of property adjacent to Third Street; accepting portions of the irrevocable offer for the joint trench acquisition facilities and rejecting the offer of the Pacific Gas & Electric facilities; dedicating said accepted acquisition facilities for right-of-way purposes; designating said accepted acquisition facilities for public use and designating said accepted acquisition facilities for maintenance purposes; accepting the Easement Agreement for public utility purposes; adopting findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 174,530; and authorizing official acts in connection with this ordinance.

(Public Works Department)

(No Public Benefit Recipient.)

11/24/2003, RECEIVED AND ASSIGNED to Land Use Committee.

**031960 [Establishing administrative penalties and procedures for violations of the full-time driving requirement and for violations of the Taxi Commission's rules and regulations]**

Ordinance amending the San Francisco Police Code by adding Sections 1186, 1187, and 1188, to restate the full-time driving requirement, and to establish administrative penalties and procedures for violations of the full-time driving requirement and for violations of the Taxi Commission's rules and regulations.

(Taxi Commission)

(No Public Benefit Recipient.)

11/25/2003, RECEIVED AND ASSIGNED to Finance and Audits Committee.

## **PROPOSED RESOLUTIONS**

*Proposed resolutions received from November 18, 2003 through December 1, 2003, for reference by President to appropriate committee on December 9, 2003.*

- 031856** [Demonstrate the use of rapid HIV testing to improve outcomes in partner counseling and referral services]  
**Supervisor Duffy**  
Resolution authorizing the San Francisco Department of Public Health (SFPDH), to accept retroactively and expend a grant in the amount of \$393,478 from the Centers for Disease Control and Prevention (CDC) to use rapid HIV testing to improve outcomes in partner counseling and referral services and to enter into an agreement for the use of these funds; for the period of September 15, 2003, to September 14, 2005.  
(Public Health Department)  
(No Public Benefit Recipient.)  
  
11/17/2003, RECEIVED AND ASSIGNED to City Services Committee.
- 031857** [Supplemental funds to assess HIV risk behaviors and trends, evaluate impact of prevention efforts]  
**Supervisor Duffy**  
Resolution authorizing the San Francisco Department of Public Health (SFPDH) to accept and expend retroactively one-time supplemental grant funds in the total amount of \$211,279 from the Centers for Disease Control and Prevention (CDC) under the CDC HIV/AIDS Surveillance and Seroprevalence Cooperative Agreements U62/CCU906255-12-2 and U62/CCU906255-12-4 to support HIV/AIDS surveillance activities and assess risks and benefits associated with testing results and to enter into agreements for the use of these funds; for the period of June 1, 2003 to December 31, 2003.  
(Public Health Department)  
(No Public Benefit Recipient.)  
  
11/17/2003, RECEIVED AND ASSIGNED to City Services Committee.
- 031897** [Grant of Federal Funds]  
Resolution authorizing the Municipal Transportation Agency to accept and expend \$1,475,374 of New Start Federal Capital Assistance for the Third Street - Phase II, Central Subway project, excluding administrative overhead costs.  
(Municipal Transportation Agency)  
(No Public Benefit Recipient.)  
  
11/21/2003, RECEIVED AND ASSIGNED to Land Use Committee.
- 031898** [Grant of Federal Funds]  
Resolution authorizing the Municipal Transportation Agency Board of Directors to accept and expend \$4,918,393 of Federal Earmarked Capital Assistance for design and construction of Muni's Islais Creek Facility and security-related activities.  
(Municipal Transportation Agency)  
(No Public Benefit Recipient.)  
  
11/21/2003, RECEIVED AND ASSIGNED to Land Use Committee.

**031899 [Accept-Expend Federal Grant]**

Resolution authorizing the Municipal Transportation Agency to accept retroactively and expend a grant in the amount of \$123,600 from the Metropolitan Transportation Commission for development and production of the Municipal Railway's Short Range Transit Plans for Fiscal Year 2002 and Fiscal Year 2004.

(Municipal Transportation Agency)

(No Public Benefit Recipient.)

11/21/2003, RECEIVED AND ASSIGNED to Land Use Committee.

**031900 [Accept-Expend Federal/State Pass Through Grant]****Supervisor Dufty**

Resolution authorizing the Department of Public Library to accept and expend a grant in the amount of \$10,034 from the California State Library as part of the Federal Library Services and Technology Act (LSTA) for reimbursing tuition expenses of library employees pursuing a degree or certificate in library science at an institution of higher education.

(Public Library)

(No Public Benefit Recipient.)

11/19/2003, RECEIVED AND ASSIGNED to City Services Committee.

12/1/2003, REFERRED TO DEPARTMENT. Referred to Youth Commission for review and comments.

**031901 [Proposed Expenditure of California Healthcare for Indigents Program (CHIP) funds for Fiscal Year 2003-04]**

Resolution authorizing adoption of the County Description of Proposed Expenditure of California Healthcare for Indigents (CHIP) funds for Fiscal Year 2003-04 and that the President or duly authorized representative of the Board of Supervisors of the City and County of San Francisco can certify the County Description of Proposed Expenditure of CHIP funds for the Fiscal Year 2003-04.

(Public Health Department)

(No Public Benefit Recipient.)

11/21/2003, RECEIVED AND ASSIGNED to City Services Committee. Department requests this item be scheduled for consideration at the December 10, 2003 meeting.

**031915 [Accept-Expend State Grant]****Supervisor Dufty**

Resolution authorizing the Department of Public Library to accept and expend a grant in the amount of \$5,000 from the California State Library for the purpose of enriching the learning experience of the students in Project Read's Adult Literacy Program with periodic book discussions.

(Public Library)

(No Public Benefit Recipient.)

11/24/2003, RECEIVED AND ASSIGNED to City Services Committee.

12/1/2003, REFERRED TO DEPARTMENT. Referred to Youth Commission for review and comment.

- 031947 **[Expand supportive housing services to the homeless in San Francisco]**  
Resolution authorizing the San Francisco Department of Public Health, Housing and Urban Health (SFDPH) to accept retroactively and expend a grant in the amount of \$745,125 from the Substance Abuse and Mental Health Services Administration (SAMHSA) to expand supportive housing services to the homeless in San Francisco and to enter into an agreement for the use of these funds; for the period of September 30, 2003 to September 29, 2004.  
(Public Health Department)  
(Public Benefit Recipient.)
- 12/1/2003, RECEIVED AND ASSIGNED to City Services Committee.
- 031962 **[Contracting Out Own Recognizance, Pretrial Diversion, and Misdemeanant Services]**  
Resolution approving the Controller's certification that own recognizance release, pretrial court diversion, and supervised misdemeanor services provided to arrested persons in the City and County of San Francisco can be practically performed by private contractors at a lower cost for the year commencing July 1, 2003 than if work were performed by City and County employees.  
(Sheriff)  
(Public Benefit Recipient.)
- 11/24/2003, RECEIVED AND ASSIGNED to Finance and Audits Committee. Department requests this item be scheduled for consideration at the December 10, 2003 meeting.

## PROPOSED MOTIONS

*Proposed motions received from November 18, 2003 through December 1, 2003, for reference by President to appropriate committee on December 9, 2003.*

- 031864 **[Appointment, Public Utilities Commission]**  
Motion approving the Mayor's appointment of Ryan Brooks to the Public Utilities Commission, for the term ending January 15, 2004.  
(Mayor)  
Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed.  
Transmittal date - November 20, 2003.
- 11/20/2003, RECEIVED AND ASSIGNED to Rules Committee.
- 031865 **[Appointment, Public Utilities Commission]**  
Motion rejecting the Mayor's appointment of Ryan Brooks to the Public Utilities Commission.  
(Mayor)
- 11/20/2003, RECEIVED AND ASSIGNED to Rules Committee.
- 031896 **[Appointment, Public Utilities Commission]**  
Motion taking no position concerning the Mayor's appointment of Ryan Brooks to the Public Utilities Commission, for term ending January 15, 2004.  
(Mayor)
- 11/20/2003, RECEIVED AND ASSIGNED to Rules Committee.

**031966 [Petitions and Communications]**

Petitions and Communications received from November 18, 2003 through December 1, 2003 for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on December 9, 2003.

From Andrew Lee, submitting his resignation from the San Francisco Public Utilities Commission, effective immediately. (1)

From John Barry, submitting opposition to the appointment of Adam Werbach to the Public Utilities Commission. (2)

From concerned citizens, submitting support for the appointment of Adam Werbach to the Public Utilities Commission. (3)

From Brian Murphy O'Flynn, submitting opposition to the City of San Francisco exercising the power of eminent domain to acquire 701 Lombard Street. File 031840, Copy: Each Supervisor (4)

From Reuben & Alter LLP, submitting opposition to the appeal of Categorical Exemption and General Rule Exclusion for property located at 937-939 Jackson Street. (5)

From Reuben & Alter LLP, urging the Board to reject the appeal and affirm the Planning Commission's certification for property located at 201 Folsom Street. (6)

From Steefel, Levitt & Weiss, urging the Board to reject the appeal of Categorical Exemption and General Rule Exclusion for property located at 300 Spear Street. (7)

From Clerk of the Board, submitting response to the 2002-03 Civil Grand Jury Report regarding the Management of the Department of Building Inspection. (8)

From Budget Analyst, submitting copy of letter sent to constituent regarding a Sunshine Ordinance Request. (9)

From Mayor's Office of Public Finance, submitting copy of Official Statement for the Refunding Settlement Obligation Bonds, Series 2003-R1. File 031498 (10)

From Department of Elections, submitting copy of letter sent to constituent certifying that the "Incentives to Building Below Market Rate Housing and Exceptions to Density Restrictions Initiative Ordinance" does qualify for the March 2, 2004 Consolidated Presidential Primary Election in the City and County of San Francisco. (11)

From Reuben & Alter LLP, submitting opposition to rescheduling appeal regarding Negative Declaration for 701 Lombard Street from the Board's calendar of November 25, 2003 and placing it on the December 16, 2003 agenda. File 031840, Copy: Each Supervisor (12)

From Office of the Controller, submitting report indicating that the Police Department has revoked "American Singles Education, Inc.'s" certificate to solicit funds within the City and County of San Francisco because the organization did not allow an audit of its records. (13)

From Municipal Railway General Manager's Office, regarding beverage and snack vending machine usage and preferences at the Department. (Reference No. 20030923-016) Copy: Supervisor Peskin (14)

From Department of Parking and Traffic, regarding conducting a traffic study at the intersections of San Bruno and Silver Avenues, and Bayshore Boulevard and Silver Avenue, and the feasibility of installing left turn signals at these two intersections. (Reference No. 20030819-001) Copy: Supervisor Maxwell (15)



From Mayor's Office of Community Development, submitting notice that as of 2002 the responsibility for oversight of the Day Laborer Program was transferred to the Immigrant Rights Commission. File 031103, Copy: City Services Committee (16)

From Office of the City Administrator, submitting resolution of the Potrero Power Plant Citizens Advisory Task Force regarding the siting of the four combustion turbine units. Copy: Each Supervisor (17)

From Department of Elections, submitting the Official Statement of Vote for the November 4, 2003 Consolidated Municipal Election. File 031894 (18)

From Pornchai Hutachinda, submitting request to exchange an existing Type 47 liquor license for a Type 48 liquor license for "The City" located at 2369-2371 Market Street, Second Floor. (19)

From State Department of Health Services, submitting notice that on January 1, 2004 a new law affecting public buildings (Assembly Bill 846) goes into effect; Assembly Bill 846 will prohibit smoking within 20 feet of main entrances, exits and operable windows of any building owned, leased, and occupied by the state, county, or city, and buildings of UC, CSU and California community colleges. (20)

From State Department of Insurance, submitting list of dates, locations and times of public hearings regarding automobile rating factors. (21)

From Lawrence P. Lin, submitting request to transfer a Type 47 and Type 48 liquor license from "Wasabi & Ginger" at 2299 Van Ness Avenue to Loop Studio Inc at 55 Natoma Street. (22)

From concerned citizens, submitting opposition to termination of Kevin Williams' position with the Human Rights Commission. Copy: Each Supervisor (23)

From Office of the City Attorney, regarding Negative Declaration for property located at 701 Lombard Street. Files 031861, 031862, 031840, 031841, 031842 (24)

From Reuben & Alter LLP, regarding Negative Declaration for property located at 701 Lombard Street. Files 031840, 031841, 031842, 031861, 031862, Copy: Each Supervisor (25)

From Utility Cost Management LLC., submitting copy of letter sent to the Water Department and the General Manager of Public Utilities Commission regarding request for refund of sewer/wastewater charges paid by the claimant to CCSF. (26)

From concerned citizens, submitting support for the City acquiring by Eminent Domain 701 Lombard Street for the Neighborhood Park Bond and Open Space Programs. File 031551 (27)

From Assessor-Recorder, submitting notice that the department has no vending machines. (Reference No. 20030923-027) Copy: Each Supervisor (28)

From Office of the City Attorney, submitting monthly report of hours provided to the Board of Supervisors on confidential matters for September 2003. (29)

From Office of the City Attorney, submitting monthly report of hours provided to the Board of Supervisors for September 2003. (30)

From Emergency Communications Department, submitting request for release of reserved funds (\$48,959) for salary and fringes associated with 1.00 FTE 0922 Manager 1 position. (31)



From Youth Commission, submitting support for the design and location of the proposed Mills Corporation/YMCA skate park project. (32)

From Office of the City Administrator, regarding vending machine usage in the Office of the City Administrator. (Reference No. 20030923-051) (33)

From Lorraine Okabe, regarding what city services could be affected by the loss of the Vehicle License Fee. Copy: Each Supervisor (34)

From Myrna Escobar, commenting on various issues within the San Francisco Housing Authority. (35)

From Transport Workers Union of America Local 200, regarding contract extension and pay increase for the Director of Municipal Transportation Agency. (36)

From concerned citizens, submitting support for resolution to not extend the City's exclusive negotiation rights with Mills Corporation as exclusive developer of Piers 27-31. File 031811 (37)

From Mayor's Office of Community Development, submitting notice of availability of Request for Proposals (RFP). (38)

From Public Utilities Commission, regarding the potential effects the Secondary Unit Legislation (File 021598) would have on the City's water and sewer services. (39)

APPOINTMENTS BY THE MAYOR  
Public Utilities Commission  
Ryan Brooks

Recreation and Park Commission  
Richard Guggenheim

## ADJOURNMENT

### Legislation Pending Under the "30 Day Rule"

These items may not be heard by Committee until the date in the right hand column.

As Revised

December 4, 2003

Rule 5.40 provides that when an ordinance or resolution is introduced which would **create or revise major city policy**, the committee to which the legislation is assigned shall not consider the legislation until at least thirty days after the date of introduction. The provisions of this rule shall not apply to the routine operations of the departments of the City or when a legal time limit controls the hearing timing. In general the rule shall not apply to hearings to consider subject matter when no legislation has been presented, nor shall the rule apply to resolutions which simply **urge** action to be taken.

Ordinance amending SF Campaign and Governmental Code regulating permit expeditors	031876	Rules Committee	Supervisors Newsom, Daly	11/18/03	12/18/03
Ordinance amending Administrative Code relating to Residential Rent Ordinance Keys	031879	Land Use Committee	Supervisor Daly	11/18/03	12/18/03
Ordinance amending Fire code relating to required self-contained breathing replenishment systems in high rise buildings	031880	Land Use Committee	Supervisors Duffy, Daly	11/18/03	12/18/03
Ordinance amending Planning Code to allow City-owned landmark – Old Mint	031930	Land Use Committee	Supervisor Peskin	11/25/03	12/25/03
Ordinance Police Code restricting sale of large caliber firearms, requiring reporting of firearm thefts, and deleting obsolete provisions regulating firearm sales.	031932	City Services Committee	Supervisor Gonzalez	11/25/03	12/25/03

BOARD of SUPERVISORS

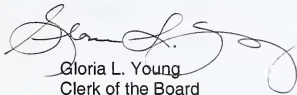


City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 544-5227

Notice of Canceled Meetings  
BOARD OF SUPERVISORS  
Tuesday, December 23, 2003 and December 30, 2003 at 2:00 p.m.

NOTICE IS HEREBY GIVEN that the regularly scheduled meetings of the San Francisco Board of Supervisors for December 23, 2003 and December 30, 2003 at 2:00 p.m. have been canceled.

NOTICE IS HEREBY GIVEN that the next regular scheduled Board of Supervisors meeting will be on Tuesday, January 6, 2004 at 2:00 p.m. in the Legislative Chamber, Room 250, 1 Dr. Carlton B. Goodlett Place.

  
Gloria L. Young  
Clerk of the Board



# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO = AGENDA



DOCUMENTS DEPT.

DEC 12 2003

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City Hall, 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

Tuesday, December 16, 2003 2:00 PM

## Regular Meeting

MATT GONZALEZ, PRESIDENT  
TOM AMMIANO, CHRIS DALY, BEVAN DUFTY, TONY HALL,  
FIONA MA, SOPHIE MAXWELL, JAKE MCGOLDRICK,  
GAVIN NEWSOM, AARON PESKIN, GERARDO SANDOVAL

Gloria L. Young, Clerk of the Board

Agendas of the Board of Supervisors are available on the internet at [www.ci.sf.ca.us/bdsuprvs](http://www.ci.sf.ca.us/bdsuprvs)

## BOARD COMMITTEES

### Committee Membership

#### **Budget Committee**

Supervisors Daly, Maxwell, Peskin

#### **City and School District Select Committee**

Supervisors Maxwell, Ammiano, Ma, Commissioners Cruz, Sanchez, Kelly

#### **City Services Committee**

Supervisors Dufty, Ma, Newsom

#### **Finance and Audits Committee**

Supervisors Peskin, Sandoval, McGoldrick

#### **Land Use Committee**

Supervisors McGoldrick, Maxwell, Ammiano

#### **Rules Committee**

Supervisors Hall, Dufty, Gonzalez

### Meeting Days

#### **Thursday**

1:00 PM

2nd Monday, bi-monthly

4:00 PM

#### **Thursday**

9:30 AM

#### **Wednesday**

12:30 PM

#### **Monday**

1:00 PM

#### **Wednesday**

9:30 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

## Board Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4) standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

Agenda are available on the internet at [www.sfgov.org/bdsupvrs.bos.htm](http://www.sfgov.org/bdsupvrs.bos.htm).

THE AGENDA PACKET IS AVAILABLE AT CITY HALL, ROOM 244, RECEPTION DESK.

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 557-4293.

Results of each Board meeting can be obtained about a half hour after the end of the meeting by telephoning (415) 554-5555.

Requests for language translation at a meeting must be received no later than noon the Friday before the meeting. Contact Ohn Myint at (415) 554-7704.

AVISO EN ESPAÑOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

**翻譯 必須在會議前最少四十八小時提出要求**  
**請電 (415) 554-7701**

### Disability Access

The Legislative Chamber of the Board of Supervisors is in Room 250 of City Hall, 1 Dr. Carlton B. Goodlett Place. The Chamber is wheelchair accessible.

The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex.

All meetings are real-time captioned and are cablecast open-captioned on SF Cable 26.

The following services are available when requests are made by 4:00 p.m. of the Friday before the Board meeting. This advance notice will help ensure availability.

- For American Sign Language interpreters or use of a reader during a meeting, contact Ohn Myint at (415) 554-7704.

- For a large print copy of agenda or minutes in alternative formats, contact Annette Lonich at (415) 554-7706.

Assistive listening devices are available from the receptionist in the Clerk of the Board's Office, Room 244, prior to the meeting.

The Clerk of the Board's Office TTY number is (415) 554-5227.

In order to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

### **Know Your Rights Under the Sunshine Ordinance**

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Donna Hall by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at [Donna.Hall@sfgov.org](mailto:Donna.Hall@sfgov.org)

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Ms. Hall or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine.htm>

### **Lobbyist Registration and Reporting Requirements**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site [www.sfgov.org/ethics](http://www.sfgov.org/ethics)

## ROLL CALL AND PLEDGE OF ALLEGIANCE

## APPROVAL OF MEETING MINUTES

*Motion to approve the November 18, 2003 Meeting Minutes.*

## AGENDA CHANGES

## COMMUNICATIONS

*Note: Each item on the Consent or Regular agenda may include the following documents:*

- 1) Legislation*
- 2) Budget Analyst report*
- 3) Legislative Analyst report*
- 4) Department or Agency cover letter and/or report*
- 5) Public correspondence*

*These items will be available for review at City Hall, Room 244, Reception Desk.*

## CONSENT AGENDA

*All matters listed hereunder constitute a Consent Agenda, are considered to be routine by the Board of Supervisors and will be acted upon by a single roll call vote of the Board. There will be no separate discussion of these items unless a member of the Board so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.*

### Items 1 through 16

### Recommendations of the Finance and Audits Committee

*Present: Supervisors Peskin, Sandoval, Gonzalez*

1. 031747 [Revising permit fee and planning review surcharges applicable to permits and review activities subject to review by the Board of Appeals]  
Supervisors Peskin, Dufty  
Ordinance amending the Administrative Code by amending Section 10G.1 to correct erroneous Planning and Building Code citations, revising permit surcharges on permits issued by the Department of Building Inspection, the Taxi Commission, the Police Department and the Department of Public Works permits where such permits are subject to appeal before the Board of Appeals, revising the surcharge on fees imposed by the Planning Department for review of permits where such permits are subject to appeal before the Board of Appeals, and making environmental findings.

12/9/2003, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?



*Present: Supervisors Peskin, McGoldrick*

2.      031882    **[Review of Concession Opportunity]**  
Supervisor Peskin  
Resolution authorizing the Director of the Department of Administrative Services to issue a request for proposals for the award of an agreement for use of sites owned or occupied by the City and County of San Francisco for beverage vending services.
- Question: Shall this Resolution be ADOPTED?
3.      031923    **[Certification to Accompany Application for State Grant for construction of an Ingleside Branch Library]**  
Mayor, Supervisor Sandoval  
Resolution certifying project budget, local funding, supplemental funding and public library operations pursuant to the California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000.
- Question: Shall this Resolution be ADOPTED?
4.      031924    **[Certification to Accompany Application for State Grant for construction of a new Ortega Branch Library]**  
Mayor, Supervisor Ma  
Resolution certifying project budget, local funding, supplemental funding and public library operations pursuant to the California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000.
- Question: Shall this Resolution be ADOPTED?
5.      031925    **[Certification to Accompany Application for State Grant for construction of a Portola Branch Library]**  
Mayor, Supervisor Maxwell  
Resolution certifying project budget, local funding, supplemental funding and public library operations pursuant to the California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000.
- Question: Shall this Resolution be ADOPTED?
6.      031926    **[Certification to Accompany Application for State Grant for Richmond Library Expansion and Renovation]**  
Mayor, Supervisor McGoldrick  
Resolution certifying project budget, local funding, supplemental funding and public library operations pursuant to the California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000.
- Question: Shall this Resolution be ADOPTED?

7. 031927 [Certification to Accompany Application for State Grant for construction of a Visitacion Valley Branch Library]  
Mayor, Supervisor Maxwell  
Resolution certifying project budget, local funding, supplemental funding and public library operations pursuant to the California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000.

Question: Shall this Resolution be ADOPTED?

8. 031962 [Contracting Out Own Recognizance, Pretrial Diversion, and Misdemeanant Services]  
Resolution approving the Controller's certification that own recognizance release, pretrial court diversion, and supervised misdemeanor services provided to arrested persons in the City and County of San Francisco can be practically performed by private contractors at a lower cost for the year commencing July 1, 2003 than if work were performed by City and County employees.  
(Sheriff)  
(Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

### Recommendations of the Rules Committee

*Present: Supervisors Hall, Dufty*

9. 031790 [Settlement of Lawsuit - Mamei Wei]  
Ordinance authorizing settlement of the lawsuit filed by Mamei Wei against the City and County of San Francisco and Ray Contreras for \$250,000; the lawsuit was filed on December 20, 2002 in U.S. District Court for the Northern District of California, Case No. C02-5887 TEH entitled Mamei Wei v. City and County of San Francisco and Ray Contreras.  
(City Attorney)  
(Public Benefit Recipient.)

12/9/2003, PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

10. 031799 [Settlement of Lawsuit - Curtis McGlothlin]  
Ordinance authorizing settlement of the lawsuit filed by Curtis McGlothlin against the City and County of San Francisco for \$165,000; the lawsuit was filed on August 7, 2002 in San Francisco Superior Court, Case No. 411-241; entitled Curtis McGlothlin, et al., v. City and County of San Francisco, et al.  
(City Attorney)  
(Public Benefit Recipient.)

12/9/2003, PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

11.      031807    **[Settlement of Lawsuit - Teresa Lau]**  
Ordinance authorizing settlement of the lawsuit filed by Teresa Lau against the City and County of San Francisco for \$93,500; the lawsuit was filed on September 27, 2001 in San Francisco Superior Court, Case No. 324-939; entitled Teresa Lau, et al., v. City and County of San Francisco, et al.  
(City Attorney)  
(Public Benefit Recipient.)  
  
12/9/2003, PASSED, ON FIRST READING.  
**Question: Shall this Ordinance be FINALLY PASSED?**
12.      031855    **[Settlement of Lawsuit - Poppie Kouremetis]**  
Ordinance authorizing the settlement of lawsuit filed by Poppie Kouremetis against the City and County of San Francisco for \$95,000; the lawsuit was filed on May 13, 2002, in San Francisco Superior Court and was removed to United States District Court, Case No. C02-02980 MEJ, entitled Kouremetis v. City and County of San Francisco, et al.  
(City Attorney)  
(Public Benefit Recipient.)  
  
**Question: Shall this Ordinance be PASSED ON FIRST READING?**
13.      031912    **[Settlement of Lawsuit - Leo Rivkin]**  
Ordinance authorizing settlement of the lawsuit filed by Leo Rivkin against the City and County of San Francisco for \$110,000; the lawsuit was filed on February 22, 2001 in San Francisco Superior Court, Case No. 319-085; entitled Leo Rivkin, et al., v. City and County of San Francisco, et al.  
(City Attorney)  
(Public Benefit Recipient.)  
  
**Question: Shall this Ordinance be PASSED ON FIRST READING?**
14.      031913    **[Settlement of Lawsuit - Janet Prieto]**  
Ordinance authorizing settlement of the lawsuit filed by Janet Prieto against the City and County of San Francisco for \$85,000; the lawsuit was filed on January 2, 2002 in the San Francisco Superior Court, Case No. 403048; entitled Janet V. Prieto v. City and County of San Francisco, et al.  
(City Attorney)  
(Public Benefit Recipient.)  
  
**Question: Shall this Ordinance be PASSED ON FIRST READING?**
15.      031946    **[Settlement of Lawsuit - Billy Clark]**  
Ordinance authorizing settlement of the lawsuit filed by Billy Clark against the City and County of San Francisco for \$50,000; the lawsuit was filed on November 16, 2001 in San Francisco Superior Court, Case No. 401-372; entitled Billy Clark v. City and County of San Francisco, et al.  
(City Attorney)  
(Public Benefit Recipient.)  
  
**Question: Shall this Ordinance be PASSED ON FIRST READING?**

## 16. 031576 [Appointment]

Resolution appointing LeConte Dill and Gloria Thornton, terms ending June 30, 2005 to the Asthma Task Force. Residency requirement waived.

LeConte Dill, (residency requirement waived) succeeding Ann Togia, resigned, seat 1, must be a representative of a community-based organization that provides advocacy related to asthma issues in San Francisco and is a voting member; for the unexpired portion of a two year term ending June 30, 2005.

Gloria Thornton, succeeding Carla Furtado, resigned, seat 11, must be a representative of MediCal Managed Care Insurers and is a voting member, for the unexpired portion of a two year term ending June 30, 2005.

**Question: Shall this Resolution be ADOPTED?**

*Questions on the Consent Agenda are on final passage, first reading, or adoption, as indicated: \_\_\_\_\_*

## REGULAR AGENDA

## NEW BUSINESS

### Recommendations of the Finance and Audits Committee

*Present: Supervisors Peskin, Sandoval, McGoldrick*

17.      031716    [Airport Lease Disposition and Development Agreement and Lease]  
                 Supervisor Hall  
                 Resolution approving the Lease Disposition and Development Agreement and Lease of Plot 9  
                 between Airis SFO, LLC and the City and County of San Francisco, acting by and through its Airport  
                 Commission.  
                 (Airport Commission)  
                 (No Public Benefit Recipient.)

*(Reactivated pursuant to Rule 5.31 of the Board of Supervisors.)*

**Question: Shall this Resolution be ADOPTED?**

*Present: Supervisors Peskin, McGoldrick*

18.      031828    [Airport Revenue Bonds]  
                 Resolution approving the issuance of up to \$225,000,000 additional aggregate principal amount of  
                 San Francisco International Airport Second Series Revenue Refunding Bonds for the purpose of  
                 refinancing 1991 Resolution Bonds and Subordinate Bonds of the Airport Commission; Approving  
                 the issuance of San Francisco International Airport Second Series Variable Rate Revenue Bonds for  
                 the purpose of financing or refinancing certain capital improvements at San Francisco International  
                 Airport, including by refunding outstanding 1991 Resolution Bonds and Subordinate Bonds of the  
                 Airport Commission; Approving the maximum interest rates thereon; Approving the forms of certain  
                 documents relating to the Bonds; Approving XI Capital Assurance Inc. as a provider of bond  
                 insurance and reserve fund Surety Bonds and the forms of certain documents relating thereto; and  
                 Approving certain amendments to the 1991 Master Resolution.  
                 (Airport Commission)

**Question: Shall this Resolution be ADOPTED?**

19.      031884    [Expend Federal Funds - Fiscal Year 2003 Lead Hazard Reduction Demonstration Grant  
                 Program]  
                 Mayor  
                 Resolution authorizing the Mayor of the City and County of San Francisco to expend a grant from the  
                 U.S. Department of Housing and Urban Development for lead-based paint hazard reduction in a total  
                 amount not to exceed \$2,600,000, which includes indirect costs of \$30,000.  
                 (No Public Benefit Recipient.)

**Question: Shall this Resolution be ADOPTED?**

## Recommendations of the Land Use Committee

*Present: Supervisors McGoldrick, Maxwell, Ammiano*

20. 031701 [Distribution of literature by a residential tenant in a building to other tenants in the building, regarding matters of common interest or concern to the tenancies]  
Supervisor Peskin  
Ordinance adding Administrative Code Chapter 49A "Residential Tenant Communications" regarding a residential tenant's permissible use of common areas to distribute literature to other tenants in the building, including literature distributed on behalf of a tenants' association or other tenants' organization, where the literature relates to issues of common interest or concern to the building's tenancies; distribution may include placement of literature on or in front of tenant doors, with the distributor's name/address/telephone number plainly included for any tenant to opt out of future doorway distributions; and, the landlord may establish other reasonable requirements as to the time, place, manner, and volume, of such literature distribution.

Question: Shall this Ordinance be PASSED ON FIRST READING?

21. 031832 [Designating 2926-2948 16th Street, the Labor Temple/Redstone Building, As a Landmark Under Planning Code Article 10]  
Supervisor Daly  
Ordinance Designating 2926-2948 16th Street, the Labor Temple/Redstone Building, As Landmark No. 238 Pursuant To Article 10, Sections 1004 And 1004.4 Of The Planning Code.  
(Planning Department)  
(No Public Benefit Recipient.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

22. 031566 [Interim Controls Regulating Certain Industrially-Zoned Properties on Third Street Between Islais Creek and Paul Avenue]  
Supervisor Maxwell  
Resolution adopting interim controls that would subject the following properties on Third Street between Islais Creek and Paul Avenue, which are currently zoned M (Industrial), to the more restrictive controls of NC-3 (Moderate-Scale Neighborhood Commercial) for a period of twelve months: Assessor's Block 4501, Lots 001, 003, 004, and 005; Block 4881, Lots 012, 018, 022, and 024; Block 4912, Lot 006; Block 4940, Lots 012A, 012B, and 024; Block 5211, Lots 027 and 028; Block 5217, Lot 001; Block 5225, Lot 010; Block 5226, Lots 025, and 028; Block 5235, Lots 003 and 011; Block 5242, Lots 021, 022, 023, 024, and 042; Block 5253, Lots 003, 008, 029, 030, 031, 032, 033, and 034; Block 5260, Lots 001, 002, 003, 032, 034, 035 and 036; Block 5272, Lots 045 and 048; Block 5279, Lots 001, 002 and 003; Block 5414, Lots 005, 006, 007, 008, 025, 026, 027, 028, and 030; Block 5418, Lots 001, 002, and 010; Block 5419, Lots 006, 007, 007B, 007C, 009, 015, 016, 017, and 018; Block 5421, Lot 011; Block 5429, Lot 002; Block 5431A, Lots 001, 001M, 001U, 001V, and 004; adopting findings pursuant to Planning Code Section 101.1.

Question: Shall this Resolution be ADOPTED?

## Recommendations of the Rules Committee

*Present: Supervisors Hall, Dufty*

**23. 031503 [New administrative debarment procedure]****Supervisor Peskin**

Ordinance adding a new Chapter 28 to the San Francisco Administrative Code to establish a City-wide administrative debarment procedure; amending Chapter 6 of the Administrative Code to reflect the adoption of the new Chapter 28.

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

*Present: Supervisors Hall, Duffy, Peskin*

**24. 031534 [Appointment]**

Resolution appointing F.X. Crowley, term ending January 31, 2005, to the Golden Gate Bridge, Highway and Transportation District.

F.X. Crowley, succeeding Robert McDonnell, deceased, seat 2, represents public at large, subject to review and affirmation by the Board of Supervisors in January of each odd-numbered year, for the unexpired portion of a two-year term ending January 31, 2005.

Supervisor Duffy dissenting in committee.

**Question: Shall this Resolution be ADOPTED?**

*Present: Supervisors Hall, Duffy*

**25. 031864 [Appointment, Public Utilities Commission]**

Motion approving the Mayor's appointment of Ryan Brooks to the Public Utilities Commission, for the term ending January 15, 2004.

(Mayor)

Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date - November 20, 2003.

**Question: Shall this Motion be ADOPTED?**

## **SPECIAL ORDER 3:30 P.M - Recognition of Commendations**

**26. 031999 [Third Annual Youth Recognition Day]**

Third Annual Youth Recognition Day Presentation.  
(Clerk of the Board)

*Action: \_\_\_\_\_*





**APPEAL PROCEDURES**

Board Rule 4.29 provides that public hearings on appeals shall be scheduled for 4pm. If more than one public hearing is scheduled, then the Clerk, in consultation with the President, may determine the order in which the appeals will be scheduled. Second and later appeals may be scheduled at specified times later than 4 pm. An appeal shall not be heard prior to its scheduled time on the calendar, and it may not be called until the Board's consideration of appeals scheduled earlier on the calendar is completed. It is the policy of the Clerk of the Board to schedule multiple appeals in the following order at 4pm:

1. Appeals where all parties have agreed to request a continuance or a tabling of the appeal.
2. Continued appeals from previous Board meetings (continued appeals will be listed in order of those closest to deadlines for Board decision).
3. Appeals appearing on the calendar for the first time, in chronological order of receipt by the Clerk.
4. Multiple appeals appearing on the calendar may be staggered at times specific, beginning at 4pm.
5. Appeals involving participants who have ADA considerations may be set for specific times beginning at 4pm

**SPECIAL ORDER 4:30 P.M.****29. 031840 [Appeal, Final Mitigated Negative Declaration - 701 Lombard Street]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated January 15, 2003, approving a final mitigated negative declaration for the proposed condominium project located at 701 Lombard Street, on Assessor's Block 074, Lot 001. (Appellant: Susan Brandt-Hawley, attorney, on behalf of Telegraph Hill Dwellers.)

(Appeal filed November 6, 2003 by Susan Brandt-Hawley, attorney, on behalf of the Telegraph Hill Dwellers; companion measure to Files 031841, 031842, 031860, 031861, 031862, 031863.)

Action: \_\_\_\_\_

*Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the negative declaration decision described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.*

**(Only one of the following two motions should be adopted.)****30. 031841 [Finding appeal of the negative declaration for 701 Lombard Street untimely]**

Motion finding the appeal of the negative declaration issued on January 15, 2003 for 701 Lombard Street not timely filed.  
(Clerk of the Board)

Question: Shall this Motion be ADOPTED?

31. 031842 [Finding the negative declaration appeal for 701 Lombard Street timely]  
Motion finding the appeal of the negative declaration issued on January 15, 2003 for 701 Lombard Street timely filed.  
(Clerk of the Board)

Question: Shall this Motion be ADOPTED?

**(Only one of the following two motions should be adopted.)**

32. 031861 [Affirm adoption of the negative declaration for 701 Lombard Street]  
Motion affirming Planning Department adoption of the final negative declaration for 701 Lombard Street.  
(Clerk of the Board)

Question: Shall this Motion be ADOPTED?

33. 031862 [Reversing adoption of the negative declaration for 701 Lombard Street]  
Motion reversing the Planning Department adoption of the final negative declaration for 701 Lombard Street.  
(Clerk of the Board)

Question: Shall this Motion be ADOPTED?

34. 031863 [Preparation of findings to reverse adoption of the negative declaration for 701 Lombard Street]  
Motion directing the Clerk of the Board to prepare findings reversing the Planning Department adoption of the negative declaration for 701 Lombard Street.  
(Clerk of the Board)

Question: Shall this Motion be ADOPTED?

35. 031860 [Preparation of findings related to the timeliness of the negative declaration appeal for 701 Lombard Street]  
Motion directing the Clerk of the Board to prepare findings related to the timeliness of the negative declaration appeal for 701 Lombard Street.  
(Clerk of the Board)

Question: Shall this Motion be ADOPTED?

**SPECIAL ORDER 4:30 P.M.****36. 031551 [Eminent Domain - Resolution of Necessity - 701 Lombard Street]****Supervisor Peskin**

Resolution authorizing acquisition of Lot 001 in Assessor's Block 0074 in San Francisco by Eminent Domain for the Neighborhood Park Bond and Open Space Programs, and adopting findings under City Planning Code Section 101.1.

10/7/2003, CONTINUED. Continued to October 21, 2003 at 4:00 p.m.

10/21/2003, CONTINUED. Continued to November 25, 2003

11/25/2003, CONTINUED. Supervisor Peskin, seconded by Supervisor Ammiano, moved to continue this matter to December 16, 2003.

**Question: Shall this Resolution be ADOPTED?**

**SPECIAL ORDER 6:00 P.M.**

37.      031905      [Public Hearing - Appeal of Categorical Exemption - 937-939 Jackson Street]  
Hearing of persons interested in or objecting to the decision of the Planning Department dated September 30, 2003, approving a Certificate of Determination of Exemption/Exclusion from Environmental Review for the proposed condominium project located at 937-939 Jackson Street, on Assessor's Block 191, Lot 28. (Appellants: Rick Riley, Kevin Cheng, Deborah Goiten Goodyear, Irine Lew, Kwong Young Fong, Yick Q. Fong, Florence F. Wong, Lee Q. Fong, Grace S. Fong.)  
(Appeal filed November 17, 2003; companion measure to Files 031906, 031907, 031908.)

Action: \_\_\_\_\_

*Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.*

**(Only one of the following two motions should be adopted.)**

38.      031906      [Affirming the categorical exemption issued for 937-939 Jackson Street]  
Motion affirming the determination by the Planning Department that the proposed project located at 937-939 Jackson Street is categorically exempt from the California Environmental Quality Act as an in-fill development project and as a general rule exclusion.  
(Clerk of the Board)  
  
Question: Shall this Motion be ADOPTED?
39.      031907      [Disapproving the categorical exemption issued for 937-939 Jackson Street]  
Motion disapproving the determination by the Planning Department that the proposed project located at 937-939 Jackson Street is categorically exempt from the California Environmental Quality Act as an in-fill development project and as a general rule exclusion.  
(Clerk of the Board)  
  
Question: Shall this Motion be ADOPTED?
40.      031908      [Preparation of findings to disapprove categorical exemption issued for 937-939 Jackson Street]  
Motion directing the Clerk of the Board to prepare findings disapproving the determination by the Planning Department that the proposed project located at 937-939 Jackson Street is categorically exempt from the California Environmental Quality Act as an in-fill development project and as a general rule exclusion.  
(Clerk of the Board)  
  
Question: Shall this Motion be ADOPTED?

## COMMITTEE REPORTS

*Reports from committees, if any, recommending emergency or urgent measures.*

*The following items will be considered by the City Services Committee at a Regular Meeting on Thursday, December 11, 2003. The Chair intends to request the Committee to send the following items to the Board as a committee report.*

41. 031901 [Proposed Expenditure of California Healthcare for Indigents Program (CHIP) funds for Fiscal Year 2003-04]  
Supervisor Dufty  
Resolution authorizing adoption of the County Description of Proposed Expenditure of California Healthcare for Indigents (CHIP) funds for Fiscal Year 2003-04 and that the President or duly authorized representative of the Board of Supervisors of the City and County of San Francisco can certify the County Description of Proposed Expenditure of CHIP funds for the Fiscal Year 2003-04. (Public Health Department)  
(No Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

42. 031929 [San Francisco Law Library Justice Center]  
Mayor  
Resolution in support of the San Francisco Law Library Justice Center at 525 Golden Gate Avenue.

Question: Shall this Resolution be ADOPTED?

*The following items will be considered by the Budget Committee at a Rescheduled Meeting on Friday, December 12, 2003. The Chair intends to request the Committee to send the following items to the Board as a committee report.*

43. 031881 [2004-2007 Children's Service Allocation Plan]  
Supervisor Daly  
Resolution approving the Children's Services Allocation Plan for the Children's Fund in accordance with Section 16.108 of the San Francisco Charter.

Question: Shall this Resolution be ADOPTED?

44. 031873 [Memorandum of Understanding - Police]  
Mayor  
Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives Association (Police) to be effective July 1, 2003 through June 30, 2005.

Question: Shall this Ordinance be PASSED ON FIRST READING?

45. 031874 [Memorandum of Understanding - Fire]  
Mayor  
Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives Association (Fire) to be effective July 1, 2003 through June 30, 2005.

Question: Shall this Ordinance be PASSED ON FIRST READING?

46. 031965 [MOU - H-1 Fire Rescue Paramedics]  
Mayor  
Ordinance adopting and implementing the 2003-2005 Memorandum of Understanding between the H-1 Fire Rescue Paramedics, Service Employees International Union, Local 790 and the City and County of San Francisco, to be effective July 1, 2003 through June 30, 2005.

Question: Shall this Ordinance be PASSED ON FIRST READING?

*The following item will be considered by the Land Use Committee at a Regular Meeting on Monday, December 15, 2003. The Chair intends to request the Committee to send the following item to the Board as a committee report.*

47. 031897 [Grant of Federal Funds]  
Resolution authorizing the Municipal Transportation Agency to accept and expend \$1,475,374 of New Start Federal Capital Assistance for the Third Street - Phase II, Central Subway project, excluding administrative overhead costs.  
(Municipal Transportation Agency)  
(No Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

## 48. ROLL CALL FOR INTRODUCTIONS

*Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, letters of request to the City Attorney and Board Members' reports on their regional body activities.*

## 49. PUBLIC COMMENT

*An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes.*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

*These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.*

### Items 50 through 68

50. 031978 [Japantown Task Force, Inc.]  
Supervisor Gonzalez  
Resolution authorizing the San Francisco Redevelopment Agency to directly apply for and receive SB 307 funds to allocate to the Japantown Task Force, Inc., a community organization, to define cultural preservation and to prepare the specific plan and be the community planning entity for San Francisco's Japantown, as defined in SB 307.
- 12/9/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
51. 031982 [Public Hearing Approval]  
Supervisor Peskin  
Resolution approving the issuance and sale of revenue bonds by the ABAG Finance Authority for Nonprofit Corporations in an aggregate principal amount not to exceed \$13,500,000 for On Lok Health Services and On Lok Community Housing, Inc.
- 12/9/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
52. 032000 [Multi-Year Electricity Procurement]  
Supervisor Ammiano  
Resolution urging the California Public Utilities Commissioners not to authorize a multi-year Electricity Procurement for San Francisco Ratepayers.
- 12/9/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
53. 032001 [Yellow Zone Conversion]  
Supervisor Ammiano  
Resolution urging the Department of Parking and Traffic to convert parking spaces located at 3286 and 3290 Mission Street from metered yellow zones to standard metered parking.
- 12/9/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?

54. 032002 [Pedestrian Safety and Speeding on State Highways]  
Supervisor Hall  
Resolution urging the State Legislature to pass legislation increasing fines for speeding, running red lights, and other moving violations on state highways bisecting neighborhoods and other major thoroughfares designated by the local jurisdiction, and urging the State Legislature to set aside the revenue from these fines for pedestrian safety improvements.
- 12/9/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
Question: Shall this Resolution be ADOPTED?
55. 032003 [Chinese Exclusion Act]  
Supervisor Ma  
Resolution commemorating the 60th anniversary of the repeal of the Chinese Exclusion Act.
- 12/9/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
Question: Shall this Resolution be ADOPTED?
56. 032004 [Support HR 3171 and SB 1552]  
Supervisor McGoldrick  
Resolution supporting HR 3171 and SB 1552, amending the USA PATRIOT Act.
- 12/9/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
Question: Shall this Resolution be ADOPTED?
57. 032005 [Commending Seva Foundation]  
Supervisor McGoldrick  
Resolution commending the contribution of the Seva Foundation and proclaiming December 13, 2003 Seva Foundation 25th Silver Anniversary Day in San Francisco.
- 12/9/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
Question: Shall this Resolution be ADOPTED?
58. 032016 [Power Lines in Marina District]  
Supervisor Newsom  
Resolution urging Lucasfilm Ltd. and Pacific Gas & Electric Co., Inc. to work with the community on alternatives to its Bay-Fillmore-Filbert-Lyon route for supplying power to the Letterman Digital Arts Center in the Presidio, and to ensure that the route reduces impacts on San Francisco neighborhoods to the greatest extent possible.
- 12/9/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
Question: Shall this Resolution be ADOPTED?



59. 032017 [Hearts in San Francisco]  
Supervisor Peskin  
Resolution urging support for "Hearts in San Francisco", a temporary public art installation.
- 12/9/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
60. 032018 [Charlotte Mailliard Shultz Staircase Renaming]  
Supervisor Peskin  
Resolution renaming the Grand Staircase of San Francisco City Hall's rotunda as the Charlotte Mailliard Shultz Staircase.
- 12/9/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
61. 032019 [Urging the San Francisco Delegation to the California Assembly and Senate to Oppose Proposed Budget Cuts]  
Supervisor Sandoval  
Resolution urging the San Francisco delegation to the California Assembly and Senate to oppose Governor Arnold Schwarzenegger's proposed budget cuts to critical health and human services.
- 12/9/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
62. 032020 [Excelsior Street Safe Program]  
Supervisor Sandoval  
Resolution urging the Department of Parking and Traffic and the San Francisco Police Department and all other relevant city agencies to review the "Community Action Plan for Safer Streets in the Excelsior" and work with the Excelsior Street Safe project and community residents to implement the Plan's recommendations.
- 12/9/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?
63. 031909 [Final Map for a 80 Unit Residential / Commercial Condominium Project (821 Folsom Street)]  
Motion approving Final Map of Shipley Square, A Residential / Commercial Condominium Project, being a subdivision of Lot 393 in Assessor's Block No. 3752, and adopting findings pursuant to Planning Code Section 101.1.  
(Public Works Department)  
(No Public Benefit Recipient; DPW Order No. 174,546; District 6.)
- 12/8/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Motion be ADOPTED?

64. 031954 **[Final Map for a 16 Unit Live/Work Condominium Project]**  
Motion approving Final Map of 68 Harriet Street, A Live/Work Condominium Project, being a subdivision of Lot 184 in Assessor's Block No. 3731, and adopting findings pursuant to Planning Code Section 101.1.  
(Public Works Department)
- 12/3/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Motion be ADOPTED?
65. 031955 **[Final Map for a 16 Unit Live/Work Condominium Project]**  
Motion approving Final Map of 175 Russ Street, A Live/Work Condominium Project, being a subdivision of Lot 185 in Assessor's Block No. 3731, and adopting findings pursuant to Planning Code Section 101.1.  
(Public Works Department)
- 12/3/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Motion be ADOPTED?
66. 031956 **[Final Map for a 21 Unit Mixed-Use Condominium Project]**  
Motion approving Final Map of 350 Alabama Street, a Mixed-Use Condominium Project, being a subdivision of Lot 3, Assessor's Block No. 3967, and adopting findings pursuant to Planning Code Section 101.1.  
(Public Works Department)
- 12/3/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Motion be ADOPTED?
67. 031963 **[Final Map for an 8 Unit Residential Condominium Project]**  
Motion approving Final Map of Killarney Court # 1 – 8, 843 South Van Ness Avenue, A Residential Condominium Project, being a subdivision of Lot 22 in Assessor's Block No. 3594, and adopting findings pursuant to Planning Code Section 101.1.  
(Public Works Department)
- 12/3/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Motion be ADOPTED?
68. 031976 **[Needle Exchange Emergency]**  
**Supervisors Ammiano, Newsom, Daly, Peskin, McGoldrick, Maxwell, Dufty**  
Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.
- 12/9/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Motion be ADOPTED?

*Questions on the For Adoption Without Committee Reference  
Agenda: \_\_\_\_\_*

## 69. IMPERATIVE AGENDA

*Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s).*

*[Serious Injury Finding]*

*Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."*

*[Purely Commendatory Finding]*

*Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.*

*[Brown Act Finding]*

*Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.*

*[Imperative Resolutions, if any]*

## OFF-AGENDA LEGISLATION

### PROPOSED ORDINANCES

*Proposed ordinances received from December 2, 2003 through December 8, 2003, for reference by the President to appropriate committee on December 16, 2003.*

*None.*

### PROPOSED RESOLUTIONS

*Proposed resolutions received from December 2, 2003 through December 8, 2003, for reference by President to appropriate committee on December 16, 2003.*

**031910 [Contracting out Janitorial Services]**

Resolution concurring with the Controller's certification that janitorial services can be practically performed at the Permit Center at 1660 Mission Street and at 25 Van Ness Avenue by private contractor for lower cost than similar work services performed by City and County employees.

(Real Estate Department)

(Public Benefit Recipient.)

12/8/2003, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031950 [Accept-Expend State Grant]****Supervisor Duffy**

Resolution authorizing the Chief of Police for the City and County of San Francisco to accept and expend grant funds made available through the California Office of Traffic Safety (OTS) for a project entitled "You Drink & Drive, You Lose" national campaign.

(Police Department)

(No Public Benefit Recipient.)

12/2/2003, RECEIVED AND ASSIGNED to City Services Committee.

**031951 [Accept-Expend Federal Grant]****Supervisor Duffy**

Resolution authorizing the Chief of Police for the City and County of San Francisco to accept and expend grant funds made available through the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives for a project entitled Gang Resistance Education And Training (G.R.E.A.T.)

(Police Department)

(No Public Benefit Recipient.)

12/2/2003, RECEIVED AND ASSIGNED to City Services Committee.

**032006 [Settlement of Charges]**

Resolution approving the settlement of California Department of Fair Employment and Housing and Equal Employment Opportunity Commission charges, filed by Ana Guevara on September 20, 2002, against the City and County of San Francisco alleging failure to reasonably accommodate and failure to engage in the interactive process under the disability laws. On September 17, 2003, Ana Guevara made a pre-litigation settlement demand to the City regarding her claims.

(City Attorney)

12/9/2003, RECEIVED AND ASSIGNED to Rules Committee.

**032021 [Petitions and Communications]**

Petitions and Communications received from December 2, 2003, through December 8, 2003 for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on December 16, 2003.

From California State Association of Counties, submitting annual report for 2003. Copy: Each Supervisor (1)

From Department of Elections, regarding the December 9, 2003 Municipal Run-Off Election. Copy: Each Supervisor (2)

From Office of the Controller, submitting a concession audit report concerning the audit of C.M.P. Service Partnership. (3)

From Fire Department, submitting monthly update regarding fire suppression and emergency medical services provided to Fire Station 33's district. Copy: Finance and Audits Committee (4)

From Department of Parking and Traffic, regarding plan for Citywide Conversion of School Crosswalks and Crossing Warning Signs. Copy: Supervisor Sandoval (5)

From Office of the Treasurer, regarding investment activity (for fiscal year to date) of the portfolios under management. (6)

From Mark Rennie, submitting request for a Type 48 On-Sale General Public Premises transfer from 901 Geneva Avenue to 500 Divisadero Street for Madrone Lounge. (7)

From Department of Elections, regarding provisional ballots cast in the December 9, 2003 Election. (8)

From Airline Liaison Office, urging the Board of Supervisors to not approve the West Field Cargo Area Redevelopment Project. Copy: Each Supervisor (9)

From the Scott Law Firm, regarding the Kevin Williams/Skelly hearing. Copy: Each Supervisor, Sunshine Task Force (10)

From Emergency Communications Department, Office of Emergency Services, regarding what effects if any the "Secondary Unit Legislation" (File 021598) will have on the Department's ability to protect public health, safety and welfare. (Reference No. 20031028-004) Copy: Supervisor Hall (11)

From Office of the Controller, submitting report concerning the concession audit of Action Cellular Rent-A-Phone, Inc. (12)

From Office of the Treasurer, submitting the Cash Differences and Overages Fund for the period ending November 30, 2003. (13)

From Department of Elections, regarding the December 9, 2003 Municipal Run-Off Election for Mayor and District Attorney. (14)

From SF Unified School District, submitting request for release of reserved funds in the amount of \$29,480,000 from 1997 Proposition A bonds. (15)

From Assessor-Recorder, submitting revised copy of the Strategic and Efficiency Plan for fiscal year 2003-04. Copy: Budget Committee (16)

From Reuben & Alter LLP, responding to appeal of Certificate of Determination of Exemption/Exclusion from Environmental Review for property located at 937-939 Jackson Street.

File 031905, Copy: Each Supervisor (17)

From Reuben & Alter LLP, responding to appeal of Negative Declaration for property located at 701 Lombard Street. File 031840, Copy: Each Supervisor (18)

From State Senate Rules Committee, submitting list of meetings in December 2003 at various locations in California. (19)

From Lloyd Schloegel, submitting opposition to the current proposed Transbay Redevelopment Project. File 031741 (20)

From Deborah and Douglas Goodyear, submitting petition urging the Board of Supervisors to require the proposed nine-unit project at 937-939 Jackson Street to undergo an environmental impact review. File 031905, Copy: Each Supervisor (21)

From concerned citizens, submitting opposition to the proposed transitional housing project at 850 Broderick Street. (22)

From Patrick Connally, submitting copy of letter sent to Art Torres, Chair, California Democratic Party requesting he set up a debate between him and the new Governor regarding proposed budget cuts for people with disabilities. (23)

From Superior Court, submitting request for release of reserved funds for the indigent defense program. Copy: Finance and Audits Committee (24)

From Sean Patrick Monette-Shaw, submitting opposition to unlitigated claim filed by Louise Renne challenging the validity of Ordinance 191-03, an Ordinance approving the transfer of tobacco settlement revenues, on the ground that its violates Proposition A, the initiative ordinance adopted by the voters in 1999 that authorizes the issuance of General Obligation Bonds for the Laguna Honda Hospital project. File 031953 (25)

From Mental Health Board, submitting notice that Jay Golub is no longer a member of the Mental Health Board because he missed the last four meetings. Copy: Rules Committee (26)

From Soma Leadership Council, requesting the Board introduce legislation creating a Western SoMa Citizens Advisory Committee. Copy: Each Supervisor (27)

From PG&E, submitting report which provides the names and address of monthly listing of accounts delinquent over 90 days. (28)

From Bill McEwen, submitting information regarding global warming. (29)

From Bill Brennan, submitting letter regarding the City's mentally ill. (30)

From Baker Peeples, submitting opposition to the proposed Secondary Unit Legislation. (31)

From Anita Labossiere, regarding her employment with the San Francisco Water Pollution Control Bureau for over twenty-three years. Copy: Each Supervisor (32)

From Albert Factora, commenting on the lack of structure at the Crocker Amazon/Latchkey Program. Copy: Each Supervisor (33)

## ADJOURNMENT

BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 544-5227

Notice of Canceled Meetings  
BOARD OF SUPERVISORS  
Tuesday, December 23, 2003 and December 30, 2003 at 2:00 p.m.

NOTICE IS HEREBY GIVEN that the regularly scheduled meetings of the San Francisco Board of Supervisors for December 23, 2003 and December 30, 2003 at 2:00 p.m. have been canceled.

NOTICE IS HEREBY GIVEN that the next regular scheduled Board of Supervisors meeting will be on Tuesday, January 6, 2004 at 2:00 p.m. in the Legislative Chamber, Room 250, 1 Dr. Carlton B. Goodlett Place.

A handwritten signature in black ink, appearing to read "Gloria L. Young".

Gloria L. Young  
Clerk of the Board



BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
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Notice of Canceled Meetings  
BOARD OF SUPERVISORS

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Gloria L. Young  
Clerk of the Board

Board of Supervisors  
City and County of San Francisco  
1 Dr Carlton B. Goodlett Place-Room 244  
San Francisco, CA 94102-4689







